ARIZONA HOUSE OF REPRESENTATIVES

Fifty-third Legislature - First Regular Session

**MAJORITY CAUCUS CALENDAR**

**February 7, 2017**

Bill Number Short Title Committee Date Action

**Committee on Appropriations**

**Chairman: Don Shooter, LD13 Vice Chairman: David Livingston, LD22**

**Analyst: Jennifer Thomsen Intern: Marlee McCormick**

[HB 2051](#HB2051) JCCR; membership

SPONSOR: LIVINGSTON, LD22 HOUSE

APPROP 2/1 DP (8-5-0-1-0)

(No: ALSTON,CARDENAS,CLARK,FERNANDEZ,FRIESE; Abs: SHOOTER)

[HB 2127](#HB2127) auditor general; special investigative unit

SPONSOR: ALLEN J, LD15 HOUSE

APPROP 2/1 DP (12-0-0-2-0)

(Abs: UGENTI-RITA,SHOOTER)

**Committee on Banking and Insurance**

**Chairman: David Livingston, LD22 Vice Chairman: Eddie Farnsworth, LD12**

**Analyst: Paul Benny Intern: Sheridan Smede**

[HB 2045](#HB2045) insurance contracts

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/23 DPA (5-3-0-0-0)

(No: POWERS HANNLEY,SALMAN,BUTLER)

[HB 2166](#HB2166) ASRS; return to work

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/30 DP (6-2-0-0-0)

(No: FARNSWORTH E,MOSLEY)

[HB 2167](#HB2167) ASRS; contributions; adjustments

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/30 DP (8-0-0-0-0)

[HB 2168](#HB2168) ASRS; reinstatement; contribution amount

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/30 DP (8-0-0-0-0)

[HB 2169](#HB2169) state retirement; waiting period; repeal

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/30 DP (8-0-0-0-0)

[HB 2267](#HB2267) captive insurance; fund

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/30 DP (8-0-0-0-0)

[HB 2279](#HB2279) insurance; fees; insurance producers

SPONSOR: LIVINGSTON, LD22 HOUSE

BI 1/23 DPA (8-0-0-0-0)

**Committee on Commerce**

**Chairman: Jeff Weninger, LD17 Vice Chairman: Jill Norgaard, LD18**

**Analyst: Diana Clay Intern: James Garret Mooney**

[HB 2072](#HB2072) manufactured homes; real estate transactions

SPONSOR: WENINGER, LD17 HOUSE

COM 1/31 DPA (9-0-0-0-0)

[HB 2145](#HB2145) household goods; unlawful moving practices

SPONSOR: WENINGER, LD17 HOUSE

COM 1/31 DP (9-0-0-0-0)

[HB 2337](#HB2337) liquor omnibus

SPONSOR: WENINGER, LD17 HOUSE

COM 1/31 DPA (9-0-0-0-0)

**Committee on Education**

**Chairman: Paul Boyer, LD20 Vice Chairman: Douglas Coleman, LD16**

**Analyst: Aaron Wonders Intern: Andrew Badertscher**

[HB 2202](#HB2202) schools; dyslexia; handbook; definition

SPONSOR: NORGAARD, LD18 HOUSE

ED 1/30 DP (11-0-0-0-0)

[HB 2270](#HB2270) postsecondary education; veterans; transfer credits

SPONSOR: SYMS, LD28 HOUSE

ED 1/30 DPA (10-0-0-1-0)

(Abs: SHOOTER)

[HB 2311](#HB2311) ASU; consolidation of budget units

SPONSOR: BOYER, LD20 HOUSE

ED 1/30 DP (9-0-0-2-0)

(Abs: BOWERS,SHOOTER)

**Committee on Energy, Environment and Natural Resources**

**Chairman: Russell "Rusty" Bowers, LD25 Vice Chairman: Brenda Barton, LD6**

**Analyst: Sharon Carpenter Intern: Benjamin Kappler**

[HB 2092](#HB2092) wulfenite; state mineral

SPONSOR: FINCHEM, LD11 HOUSE

EENR 1/24 DP (9-0-0-0-0)

[HB 2094](#HB2094) community protection initiative; report; continuation

SPONSOR: BOWERS, LD25 HOUSE

EENR 1/31 DP (7-2-0-0-0)

(No: GONZALES,DESCHEENIE)

[HB 2130](#HB2130) water quality; maximum daily load

SPONSOR: BOWERS, LD25 HOUSE

EENR 1/31 DP (8-1-0-0-0)

(No: GONZALES)

[HB 2153](#HB2153) Arizona power authority; director; residency

SPONSOR: BOWERS, LD25 HOUSE

EENR 1/31 DP (6-3-0-0-0)

(No: GONZALES,DESCHEENIE,ENGEL)

**Committee on Federalism, Property Rights and Public Policy**

**Chairman: Bob Thorpe, LD6 Vice Chairman: Mark Finchem, LD11**

**Analyst: Brittany Green Intern: Maddison Powers**

[HB 2086](#HB2086) municipalities; identification cards; prohibition

SPONSOR: LAWRENCE, LD23 HOUSE

FPRPP 1/24 DP (6-2-0-1-0)

(No: BLANC,NAVARRETE; Abs: HERNANDEZ)

[HB 2226](#HB2226) compact; balanced budget; convention

SPONSOR: MESNARD, LD17 HOUSE

FPRPP 1/31 DP (6-3-0-0-0)

(No: FERNANDEZ,BLANC,NAVARRETE)

[HCR 2010](#HCR2010) application; Article V convention

SPONSOR: TOWNSEND, LD16 HOUSE

FPRPP 1/31 DP (6-3-0-0-0)

(No: FERNANDEZ,BLANC,NAVARRETE)

[HCR 2013](#HCR2013) convention; balanced federal budget

SPONSOR: MESNARD, LD17 HOUSE

FPRPP 1/31 DP (6-3-0-0-0)

(No: FERNANDEZ,BLANC,NAVARRETE)

**Committee on Government**

**Chairman: Douglas Coleman, LD16 Vice Chairman: Bob Thorpe, LD6**

**Analyst: Mike Hans Intern: Kassandra Hendricksen**

[HB 2113](#HB2113) government vehicles; political speech; prohibition

SPONSOR: THORPE, LD6 HOUSE

GOV 1/26 DP (5-3-0-0-0)

(No: CLARK,SALMAN,MARTINEZ)

[HB 2128](#HB2128) JLAC: auditor general

SPONSOR: ALLEN J, LD15 HOUSE

GOV 1/26 DP (8-0-0-0-0)

[HB 2176](#HB2176) mobile home relocation; long-term RVs

SPONSOR: COLEMAN, LD16 HOUSE

GOV 1/26 DPA (8-0-0-0-0)

[HB 2186](#HB2186) ombudsman-citizens aide; reports

SPONSOR: THORPE, LD6 HOUSE

GOV 1/26 DP (8-0-0-0-0)

[HB 2227](#HB2227) legislators; mileage rate

SPONSOR: MESNARD, LD17 HOUSE

GOV 1/26 DP (8-0-0-0-0)

**Committee on Health**

**Chairman: Heather Carter, LD15 Vice Chairman: Regina E. Cobb, LD5**

**Analyst: Rick Hazelton Intern: Emma Hurley**

[HB 2075](#HB2075) radiation regulatory agency; DHS; transfer

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DP (8-0-0-1-0)

(Abs: RIVERO)

[HB 2076](#HB2076) advanced directives registry; provider access

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DPA (8-0-0-1-0)

(Abs: RIVERO)

[HB 2194](#HB2194) indoor tanning; minors; restricted use

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DP (7-1-0-1-0)

(No: LAWRENCE; Abs: RIVERO)

[HB 2195](#HB2195) medical board; licensure; disciplinary action

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DPA (7-1-0-1-0)

(No: LAWRENCE; Abs: RIVERO)

[HB 2197](#HB2197) telemedicine; audio visual requirements

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DP (8-0-0-1-0)

(Abs: RIVERO)

[HB 2205](#HB2205) DHS; commission; task force; repeal

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DP (7-0-1-1-0)

(Abs: RIVERO; Present: BUTLER)

[HB 2308](#HB2308) pharmacy board; logistics providers; permits

SPONSOR: CARTER, LD15 HOUSE

HEALTH 1/26 DP (8-0-0-1-0)

(Abs: RIVERO)

**Committee on Judiciary and Public Safety**

**Chairman: Eddie Farnsworth, LD12 Vice Chairman: Anthony T. Kern, LD20**

**Analyst: Katy Proctor Intern: Sue Lunt**

[HB 2066](#HB2066) aggravated DUI; sentence; county jail.

SPONSOR: SHOPE, LD8 HOUSE

JPS 2/1 DPA (9-0-0-0-0)

[HB 2200](#HB2200) community notification; form of notice

SPONSOR: CARTER, LD15 HOUSE

JPS 2/1 DPA (9-0-0-0-0)

[HB 2220](#HB2220) electronic files; access; official record

SPONSOR: BOWERS, LD25 HOUSE

JPS 1/25 DPA (8-1-0-0-0)

(No: GONZALES)

[HB 2238](#HB2238) sex trafficking; violation

(JPS S/E: child sex trafficking; violations)

SPONSOR: FARNSWORTH E, LD12 HOUSE

JPS 2/1 DPA/SE (9-0-0-0-0)

[HB 2239](#HB2239) incompetent, nonrestorable defendants; involuntary commitment

SPONSOR: FARNSWORTH E, LD12 HOUSE

JPS 2/1 DPA (9-0-0-0-0)

[HCM 2001](#HCM2001) urging Congress; ninth circuit; division

SPONSOR: FARNSWORTH E, LD12 HOUSE

JPS 2/1 DP (6-3-0-0-0)

(No: GONZALES,HERNANDEZ,ENGEL)

**Committee on Land, Agriculture and Rural Affairs**

**Chairman: Brenda Barton, LD6 Vice Chairman: Darin Mitchell, LD13**

**Analyst: Sharon Carpenter Intern: Benjamin Kappler**

[HB 2112](#HB2112) multi-county water district; directors; elections

SPONSOR: FINCHEM, LD11 HOUSE

LARA 1/26 DP (5-2-0-1-0)

(No: GABALDÓN,BENALLY; Abs: RUBALCAVA)

[HB 2225](#HB2225) forestry waste; permits

SPONSOR: FINCHEM, LD11 HOUSE

LARA 1/26 DP (5-2-0-1-0)

(No: GABALDÓN,BENALLY; Abs: RUBALCAVA)

[HB 2253](#HB2153) state veterinarian; animal identification; appropriation

SPONSOR: COOK, LD8 HOUSE

LARA 1/19 DPA (5-2-0-1-0)

(No: GABALDÓN,BENALLY; Abs: MITCHELL)

**Committee on Military, Veterans and Regulatory Affairs**

**Chairman: Jay Lawrence, LD23 Vice Chairman: Mark Finchem, LD11**

**Analyst: Brittany Green Intern: Maddison Powers**

[HB 2204](#HB2204) native American veterans; tax settlement

SPONSOR: SHOPE, LD8 HOUSE

MVRA 1/30 DP (9-0-0-0-0)

[HB 2271](#HB2271) occupational licensing; military members

SPONSOR: SYMS, LD28 HOUSE

MVRA 1/30 DP (9-0-0-0-0)

**Committee on Transportation and Infrastructure**

**Chairman: Noel W. Campbell, LD1 Vice Chairman: Drew John, LD14**

**Analyst: Liam Maher Intern: Jack Horton**

[HB 2324](#HB2324) VLT; registration; exemptions; purple heart

SPONSOR: GRANTHAM, LD12 HOUSE

TI 2/1 DP (8-0-0-0-0)

**Committee on Ways and Means**

**Chairman: Michelle B. Ugenti-Rita, LD23 Vice Chairman: Vince Leach, LD11**

**Analyst: Michael Madden Intern: Edith Lefevre**

[HB 2014](#HB2014) legal tender exchange; tax effect

SPONSOR: FINCHEM, LD11 HOUSE

WM 2/1 DP (5-0-0-4-0)

(Abs: BOLDING,CARDENAS,LAWRENCE,EPSTEIN)

[HB 2214](#HB2214) income tax subtraction; ADA retrofits

SPONSOR: LEACH, LD11 HOUSE

WM 2/1 DPA (9-0-0-0-0)

[HB 2325](#HB2325) property tax assessment of greenhouses

SPONSOR: UGENTI-RITA, LD23 HOUSE

WM 2/1 DPA (8-1-0-0-0)

(No: EPSTEIN)

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2051:** JCCR; membership

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/68489" \o "Bill Status Inquiry)

APPROP: DP (8-5-0-1)

**Abstract**

Relating to JCCR membership requirements.

**Provisions**

1. Removes the requirement that certain JCCR members be selected from the Senate or House of Representatives (House) Appropriations committees.
2. Makes technical and conforming changes. (Sec. 1)

**Current Law**

The JCCR consists of 14 members, including the chairmen of the Senate and House Appropriations committees, the majority and minority leaders, four members of the Senate Appropriations committee appointed by the President of the Senate and four members of the House Appropriations committee appointed by the Speaker of the House ([A.R.S § 41-1251](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/01251.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

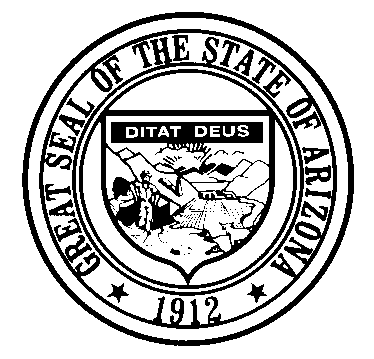
**Additional Information**

The [JCCR](http://www.azleg.gov/jlbc/aboutjcc.htm) was established on April 11, 1986 and ascertains facts and makes recommendations pertaining to capital outlay.

**Legend:**

JCCR- Joint Committee on Capital Review

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**ARIZONA HOUSE OF REPRESENTATIVES**

**HB 2127:** auditor general; special investigative unit

**PRIME SPONSOR:** Representative Allen J, LD 15

**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/68598)

APPROP: DP (12-0-0-2)

**Legend:**

FTE- Full-time Equivalent

FY- Fiscal Year

OAG- Office of the Auditor General

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to appropriations to the Office of the Auditor General.

**Provisions**

1. Appropriates $572,500 and four FTE positions from the GF in FY 2018 to the OAG for the Special Investigative Unit.
2. Appropriates $680,000 and six FTE positions from the GF in FY 2019 to the OAG for the Special Investigative Unit. (Sec. 1)

**Current Law**

Not currently addressed in statute.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**Additional Information**

The [Financial Audit Division](https://www.azauditor.gov/divisions/financial-audit-division) of the OAG encompasses a Special Investigative Unit to address fraud, waste and abuse issues. The Unit conducts special investigations and provides training on fraud detection and deterrence.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2045:** insurance contracts

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68479)

BI: DPA 5-3-0-0

**Legend:**

DOI – Department of Insurance

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to insurance contract’s terms of a policy.

**Provisions**

1. Stipulates certain explanatory documents made available by the insurer do not modify an insurance contract’s terms of a policy ~~if the documents contain a disclaimer providing that it is not part of the policy or that the policy controls in the event of a conflict~~. (BI) (Sec. 1)
2. Specifies the English version of a policy is the binding contract between the parties in the event of a conflict. (Sec. 1)

**Current Law**

Pursuant to [A.R.S. § 20-1119](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/20/01119.htm), insurance contracts must be written according to the entirety of the policy’s terms and conditions and include any modifications by a rider, endorsement, or application made a part of the policy.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

Insurers must provide DOI an English translation of each form, advertisement, or any other document that must be filed with DOI, if the document is in a language other than English. The translation must compare the foreign language version in a side-by-side format with the English translation. Additionally, an insurer must provide a sworn statement signed by the translator attesting that the translation is identical in substance to the English document [(R20-6-203)](http://apps.azsos.gov/public_services/Title_20/20-06.pdf).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2166:** ASRS; return to work

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68657)

BI: DP 6-2-0-0

**Legend:**

ACR – alternate contribution rate

ASRS – Arizona State Retirement System

LTD – Long-Term Disability

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the ASRS ACR.

**Provisions**

1. Clarifies an employer is required to pay an ACR on behalf of a retired member who returns to work with an ASRS employer in any capacity regardless of the position. (Sec. 1)
2. Makes a conforming change. (Sec. 1)

**Current Law**

Pursuant to [A.R.S. § 38-766.02](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00766-02.htm), an employer must pay contributions at an ACR on behalf of a retired member who returns to work in any capacity in a position ordinarily filled by an employee of the employer and who is not currently contributing to ASRS.

The ASRS actuary annually determines the ACR. In any fiscal year, the ACR, which cannot be less than two percent, is equal to the lesser of:

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

1. The employer contribution rate of ASRS plus the employer contribution rate of the LTD program, or
2. The total past service funding requirement rate of ASRS plus the total past service funding requirement rate of the LTD program.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2167:** ASRS; contributions; adjustments

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68658)

BI: DP 8-0-0-0

**Legend:**

ASRS – Arizona State Retirement System

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to ASRS contributions.

**Provisions**

1. Requires ASRS to return excess contributions made through a mistake of fact through an employer credit, or by check if requested within one year after the date of overpayment. (Sec. 1)
2. Stipulates ASRS must return excess contributions made through a mistake of law through employer credit. (Sec. 1)
3. Removes language relating to the return of earnings or reduction due to losses attributed to excess contributions. (Sec. 1)
4. Specifies inactive, retired or long-term disability members who paid less than the correct amount of contributions into ASRS must make payments equal to the amount that would have been paid using after-tax income and a personal check, cashier's check or money order. (Sec. 1)
5. Stipulates a member who received a return of contributions may receive an adjustment of employer contributions or service credits only for qualifying employment and compensation that occurred after the member's most recent return of contributions. (Sec. 1)
6. Makes technical and conforming changes. (Sec. 1)

**Current Law**

If excess contributions are paid into ASRS through a mistake of fact, ASRS is required to return those contributions to the employer if the employer requests return within one year after the date of overpayment. ASRS is prohibited from paying employer earnings attributable to excess contributions but must reduce the amount returned to an employer by the amount of losses attributable to the excess contributions.

If less than the correct amount of employer or member contributions is paid into ASRS by an employer, then the member is required to pay an amount equal to the amount that would have been paid in member contributions for the period in question. The member’s payments must be made directly to ASRS in lump sum or installment payments or by electing to have the member’s employer make the payments through a salary reduction program [(A.R.S. § 38-738)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00738.htm).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2168:** ASRS; reinstatement; contribution amount

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68659)

BI: DP 8-0-0-0

**Legend:**

ASRS – Arizona State Retirement System

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to ASRS reinstatement of contributions.

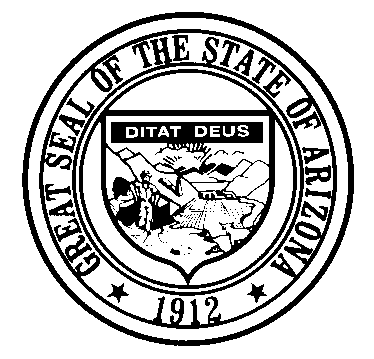
**Provisions**

1. Specifies that an ASRS member, who is reemployed, may redeposit the amount of contributions ASRS paid, rather than the amount of contributions the member received, at the time of the member’s separation from service. (Sec. 1)

**Current Law**

An active ASRS member who received a return of contributions on termination of employment and is subsequently reemployed by an ASRS employer receives credit only from the date of the member’s most recent reemployment period commenced. An ASRS member may redeposit the amount of the contributions received at the time of the member’s separation from service, with interest on that amount to the date of redeposit at the interest rate assumption approved by the ASRS Board for Actuarial Equivalency. If the member redeposits less than the amount received, ASRS will proportionately reduce the member's reinstated service credits ([A.R.S. § 38-742](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00742.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**ARIZONA HOUSE OF REPRESENTATIVES**

**HB 2169:** state retirement; waiting period; repeal

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68660)

BI: DP 8-0-0-0

**Legend:**

ASRS – Arizona State Retirement System

LTD – Long-Term Disability

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to ASRS and LTD eligibility.

**Provisions**

1. Repeals statute that prohibits any employee hired on or after July 20, 2011 from becoming a member of ASRS and the LTD Program before their 27th week of employment. (Sec. 1)

**Current Law**

Any state employee hired on or after July 20, 2011 is not eligible to become a member of ASRS or the LTD Program until their 27th week of employment. This prohibition applies to a person who is employed by an agency, department, board or commission of this state, a university under the jurisdiction of the Arizona Board of Regents, the judicial branch and whose salary is paid through the Department of Administration, the Arizona Corporation Commission or the legislature [(A.R.S. § 38-671)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00671.htm).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

Any individual who is declared a state employee and whose compensation is provided from state monies is a member of ASRS. Individuals who become employed and who are at least 65 years of age can elect whether or not they participate in ASRS. An employee is ineligible for membership in ASRS if any of the following apply:

1. The individual's projected term of employment is for less than six months.
2. The individual is employed in postgraduate training in an approved medical residency training program or is a postdoctoral scholar who is employed by a university.
3. The individual performs services in a hospital, home or other institution as an inmate or patient.
4. The individual performs agricultural labor services.
5. The individual is a nonresident alien who holds an F-1, J-1, M-1 or Q-1 visa.
6. The individual performs services for a school, college or university at which they are enrolled as a student.
7. The individual performs services under a program designed to relieve the person from unemployment ([A.R.S. § 38-727](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00727.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2267:** captive insurance; fund

**PRIME SPONSOR:** Representative Livingston, LD 22

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68784)

BI: DP 8-0-0-0

**Legend:**

Department – Department of Insurance

Director – Director of Department of Insurance

Fund – Captive Insurance Regulatory and Supervision Fund

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the Fund.

**Provisions**

1. Modifies the amount of unencumbered monies in the Fund that revert to the state GF from amounts exceeding $100,000 to amounts exceeding $200,000. (Sec. 1)

**Current Law**

The Fund is established within the Department consisting of monies collected from licensing fees for captive insurers. Monies in the Fund are exempt from lapsing, except all unencumbered monies exceeding $100,000 at the end of the FY revert to the state GF. The Director may use Fund monies for the administration, regulation, and promotion of captive insurers, as well as up to $100,000 to administer programs in accordance with the Department's other statutory responsibilities. ([A.R.S. 20-1098.18](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/20/01098-18.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

Captive insurance is a form of self-insurance. A captive insurance company is formed to insure the risks of the parent corporation who owns the captive insurance company, as well as any subsidiaries or affiliates of the parent corporation.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2279:** insurance; fees; insurance producers

**PRIME SPONSOR:** Representative Livingston, LD 22

**Legend:**

Director – Director of Department of Insurance

DOI – Department of Insurance

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68797)

BI: DPA 8-0-0-0

**Abstract**

Relating to insurance producer fees.

**Provisions**

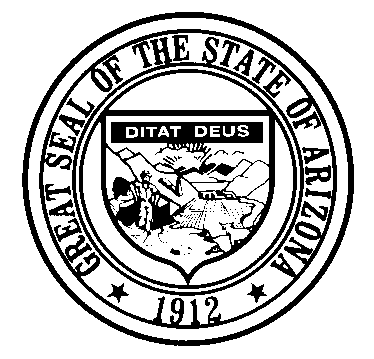
1. Requires DOI to disclose comparisons of premiums and fees charged at policy inception, along with complaint ratios for policies insuring fewer than six vehicles. (Sec. 1)
2. Modifies statute relating to certain fee and service charge restrictions as follows:
   1. Removes insurers from the restrictions.
   2. Prohibits insurance producers from charging any fee or service charge in addition to the premium in connection with the transaction of insurance unless **BOTH OF THE FOLLOWING APPLY** *(BI)*:
      1. **~~The fee or service charge is filed with the Director within 30 days before the effective date.~~** *(BI)*
      2. The fee or service charge is disclosed and agree to.
      3. The amount is related to the cost of the service provided and does not duplicate or increase any fee or service charge included in the insurer's rate filing.
   3. **~~Authorizes the Director to disapprove any fee or service charge by issuing an order specifying the requirements not met.~~** *(BI)*
   4. Removes the requirement of the Director to prescribe services that are customarily provided in the transaction of insurance.
   5. Clarifies the Director may require an insurance producer to refund all or part of the fee or service charge for noncompliance.
   6. Modifies the civil penalty imposed for noncompliance.
   7. States insurance producers are not prohibited from charging and collecting fees included in the insurer's rate filing, or in conjunction with the sale of *commercial insurance*. (Sec. 3)
3. **PROHIBITS INSURANCE PRODUCERS FROM CHARGING FEES OR SERVICE CHARGES IN CONNECTION WITH LIFE, ANNUITY, LONG-TERM CARE OR MEDICARE SUPPLEMENT INSURANCE.** *(BI)* (Sec. 3)
4. Modifies the definition of *supplementary rate information* and *commercial insurance.* (Sec. 2, 3)
5. Makes technical and conforming changes. (Sec. 1, 3)
6. **ADDS CLARIFYING CHANGES.** *(BI)* (Sec. 3)
7. Contains a legislative intent clause. (Sec. 4)

**Current Law**

An insurer or insurance producer is prohibited from charging any fee or service charge, in addition to the premium, for general services provided in the transaction of insurance for policies insuring fewer than six motor vehicles. An insurer or insurance producer may charge and receive a fee not generally provided in the transaction of insurance if the fee is filed with the Director and: 1) services performed are more than normal; 2) the service charge and specific services are disclosed and agreed upon in writing and; 3) the amount is reasonably related to the cost of the service. The Director is required to prescribe those services that are generally provided after a notice and hearing.

If, after an examination and hearing, the Director determines the insurer or insurance producer failed to meet any of the requirements, the Director may order a refund of the fee or that part of the fee the Director deemed excessive. The Director may impose a civil penalty for noncompliance ([A.R.S. § 20-465](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/20/00465.htm)).

Insurers are required to file with DOI all rates and supplementary rate information and all changes and amendments made to those rates within 30 days from becoming effective ([A.R.S. § 20-385](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/20/00385.htm)). An insurer is prohibited from charging rates that are excessive, inadequate, unfairly discriminatory, as well as rates that will have the effect of eliminating competition or establishing a monopoly. Rates that are likely to produce an underwriting profit that is unreasonably high of the class of business or if expenses are unreasonably high in relation to established services are considered excessive ([A.R.S. § 20-383](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/20/00383.htm)). The Director may disapprove any rates and issue an order stating reasons for disapproval ([A.R.S. § 20-388](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/20/00388.htm)

**ARIZONA HOUSE OF REPRESENTATIVES**

**HB 2072:** manufactured homes; real estate transactions

**PRIME SPONSOR:** Representative Weninger, LD 17

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68531)

COM: DPA 9-0-0-0

**Legend:**

ADOH – Arizona Department of Housing

Division – ADOH Manufactured Housing Division

ADRE – Arizona Department of Real Estate

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the sale of mobile homes.

**Provisions**

1. Authorizes real estate brokers and salespersons licensed by ADRE to sell manufactured homes and mobile homes located in a mobile home park.
2. **REQUIRES ADRE LICENSEES AND ADOH DIVISION LICENSEES TO ABIDE BY THEIR RESPECTIVE LICENSING REQUIREMENTS FOR SUBMITTING PAPERWORK AND FILINGS UPON THE COMPLETION OF A SALE.**

**Current Law**

The [ADOH Division](https://housing.az.gov/general-public/manufactured-housing/licensing) licenses mobile home dealers and retailers who sell new and used manufactured homes and mobile homes located in the various mobile home parks around the state. Depending on the type of license, a person may be involved in the production, installation or sale of manufactured homes, mobile homes or factory-built buildings. [(A.R.S. § 41-4026)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/04026.htm)

A *mobile home park* means any parcel of land that contains four or more mobile home spaces. The tenant rents the space from the landowner in the mobile home park, but owns the mobile home. [A.R.S. § 33-1409](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/33/01409.htm) defines *mobile home,* and specifically excludes travel trailers, recreational vehicles, motor homes, campers, park model homes and fifth wheel trailers.

**Additional Information**

To obtain an ADOH Division [Salesperson License](https://housing.az.gov/sites/default/files/SalespersonLicensingPacket-FILLABLE_revised_8-16_0.pdf), an applicant must: complete the application and pay the processing fee ($208); obtain a fingerprint card and pay the processing fee ($22). All fees are nonrefundable.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2145:** household goods; unlawful moving practices

**PRIME SPONSOR:** Representative Weninger, LD 17

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68627)

COM: DP 9-0-0-0

**Legend:**

FMCSA – Federal Motor Carrier Safety Administration

DPS – Arizona Department of Public Safety

Moving Company – Household Goods Mover

AG – Arizona Attorney General

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to moving consumer household goods in-state.

**Provisions**

1. Prohibits a Moving Company that provides moving services in-state from refusing to deliver a person's household goods or placing a lien on the goods. (Sec. 1)
2. Requires a Moving Company to accurately disclose all fees, rates and charges, including the scope of the insurance coverage for lost or damaged goods. (Sec. 1)
3. Asserts that any violation of the provisions are an unlawful practice of the Consumer Fraud Act, which the AG may investigate and take appropriate action. (Sec. 1)
4. Makes a violation subject to civil or criminal action and any other penalty provided by law.
5. Defines pertinent terms.

**Current Law**

Title 44, Chapter 10, Article 7, Consumer Fraud Act, stipulates the unlawful acts and practices that constitute a violation of Arizona law. [A.R.S. § 44-1522](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/44/01522.htm) states that any deception or unfair act or practice, fraud, misrepresentation or omission in the sale or advertising of merchandise is an unlawful practice whether or not a person has actually been misled, deceived or damaged. The AG may investigate and prosecute violations.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**Additional Information**

The [FMCSA](https://www.fmcsa.dot.gov/protect-your-move) is the federal agency that regulates *interstate* moving companies and allows a consumer to verify that a mover is federally licensed. The website information and available booklets outline a consumer's rights and responsibilities, including remedies for violations of law.

In Arizona, the AG's [online website](https://www.azag.gov/consumer/moving-fraud) provides information that applies before and after a move, cautioning consumers to know their rights, get on-site inspections and written estimates, ask about charges, and research the various available companies for licensing and complaint history. There is also information available for filing a complaint with that office. In cases where a moving company holds a person's goods hostage, requiring extra payment or cash payment before release of the goods, the AG advises the consumer to call the DPS hotline for assistance.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2337:** liquor omnibus

**PRIME SPONSOR:** Representative Weninger, LD 17

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68940)

COM: DPA 9-0-0-0

**Legend:**

DLLC – Department of Liquor Licenses & Control

Board – DLLC Board

Director – Director of DLLC

Liquor – Spirituous Liquor

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to Arizona liquor licenses.

**Provisions**

1. Increases the number of Board members that may be from the same county from two to three. (Sec. 2)
2. Requires a public member to file sooner rather than later, if filing a written request with the Director to speak at the Board hearing about the issuance of a liquor license. (Sec. 1, 3)
3. Rewrites and revises the language pertaining to *acquisition of control* for the sale or transfer of a liquor license as follows:
   * Asserts there is no acquisition of control if the business' controlling persons remain the same as disclosed to the Director, even if another person is added to the ownership. (Sec. 4)
   * Gives the local governing body 30 days to provide the Director with ~~input~~ **RECOMMENDATIONS** regarding an acquisition of control for a sale or transfer of a liquor license and prohibits any fee. (Sec. 4) *(Commerce)*
   * ~~Removes the requirement for the Board hearing. (Sec. 4)~~ *(Commerce)*
4. Permits the Director to extend a license in nonuse status for good cause, if the licensee files a written request before the license automatically reverts to the State. (Sec. 4)
5. Requires requalification after a licensed location has not been in use for three years. (Sec. 4)
6. Allows the Director to waive the 10-day rule for submitting an application for a special event license for good cause shown. (Sec. 5)
7. Limits the private club special event licenses where nonmembers may attend, to no more than 12 events annually. (Sec. 6)
8. Permits a craft distiller to deliver product to a licensed premise located adjacent to the premises or to the remote tasting room. (Sec. 8)
9. Authorizes a craft distiller to operate two, rather than one, remote tasting and retail premises. (Sec. 8)
10. Rewrites and revises the provisions of law relating to a craft distillery festival license. Permits the Director to issue up to 150 of these temporary licenses per distillery for an unlimited number of days per year (now up to 25 licenses for up to 75 days). (Sec. 9)
11. Permits a remote tasting room license to be issued to a craft distiller or a farm winery licensee located on the same property as another remote tasting room license. (Sec. 10)
12. Authorizes the Director to issue additional *beer and wine bar* (Series 7) licenses in each county annually, based on the rate of: one license of each type per 5,000 population increase until
13. January 1, 2022; one license of each type per 10,000 population increase beginning January 1, 2022. Outlines specific requirements. (Sec. 11)
14. Limits and clarifies the total fees paid for all change of agents, acquisitions of control and restructurings. (Sec. 12)
15. Prohibits the Director from auditing a start-up restaurant for the first three months (Sec. 13)
16. ~~Requires a restaurant to maintain the 40% food sales in order to keep a license and removes the language allowing the restaurant to continue operations after an audit determines it has fallen below that threshold. (Sec. 13)~~ *(Commerce)*
17. Allows a wholesaler to accept returned malt liquor from an on-sale retailer as outlined. (Sec. 14)
18. **PRESCRIBES THAT AN OUT-OF-STATE BUSINESS, INCLUDING A RETAILER, THAT IS OPERATING IN THIS STATE, CONSENTS TO ALL ARIZONA LAWS, RULES AND REGULATIONS, INCLUDING COURT DECISIONS, AND STATE AGENCY JURISDICTION.** (Sec. 15) *(Commerce)*
19. Moves the definition of *permanent occupancy* within the definitions section. (Sec. 1)
20. Makes technical and conforming changes. (Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14)

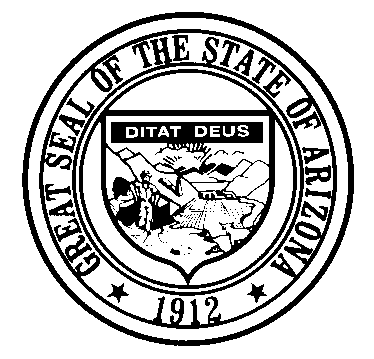
**Current Law**

The Board consists of seven members appointed by the Governor and confirmed by the Senate to serve three-year terms. The Board consists of five members not directly or indirectly financially interested in the liquor business and two members previously or currently engaged in the liquor business. One member is a retail licensee or employee and one is a member of a neighborhood association. Board members must be residents of this state for at least five years, with no more than four members of the same political party and no more than two from the same county. Members of the board receive compensation of $50 per day while engaged in the Board business. (A.R.S. § 4-111)

[A.R.S. § 4-101](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/4/00101.htm) defines *controlling person* as one directly or indirectly possessing control of an applicant or license. During the process of a person acquiring a liquor license or when the Director conducts a preinvestigation to determine qualifications of an applicant, the local governing body may protest an acquisition of control within 60 days of notice from the Director, based on the capability, reliability and qualification of the person acquiring control. Any protest is then set for a hearing before the Board, which approves or disapproves within 105 days. [(A.R.S. § 4-201)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/4/00201.htm) Additionally, an *aggrieved party* may speak before the Board to voice support or opposition to a license. An aggrieved party is defined as an individual living, owning or leasing a home within a 1-mile radius of a business seeking licensure. The aggrieved party must file within 60 days after the application is filed or 15 days after the local governing body's action, whichever is later. [A.R.S. § 4-101](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/4/00101.htm)

[A.R.S. § 4-203](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/4/00203.htm) requires payment of surcharges when a license returns to active status from *nonuse status.* Surcharges are $100 per month after five months and the license automatically reverts to the state after 36 months of continuous nonuse. The Director may waive the surcharge and extend the time period for good cause shown. If a licensed location has not been in use for two years, it must requalify for a new license, unless the Director finds the nonuse was due to circumstances beyond the licensee's control.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**ARIZONA HOUSE OF REPRESENTATIVES**

**HB 2202:** schools; dyslexia; handbook; definition

**PRIME SPONSOR:** Representative Norgaard, LD 18

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68697)

ED: DP 11-0-0-0

**Legend:**

ADE – Arizona Department of Education

SBE – State Board of Education

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to dyslexia handbooks.

**Provisions**

1. Requires ADE, subject to SBE approval, to develop and maintain a handbook for school use that provides guidance on dyslexia.
2. Directs the handbook to outline guidelines to identify dyslexia, strategies to improve academic performance and available resources and services. (Sec. 1)
3. Redefines *dyslexia* as specific learning disability and outlines its characteristics. (Sec. 2)

**Current Law**

For the purpose of third grade reading retention, *dyslexia* is defined as a brain-based learning difference that impairs a person's ability to read and spell, that is independent of intelligence and that typically causes a person to read at levels lower than expected ([A.R.S. § 15-701](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/15/00701.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2270:** postsecondary education; veterans; transfer credits

**PRIME SPONSOR:** Representative Syms, LD 28

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68787)

**Legend:**

ADVS – Arizona Department of Veteran's Services

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

ED: DPA 10-0-0-1

**Abstract**

Relating to postsecondary education credit for military members.

**Provisions**

1. ~~Requires licensed private vocational programs to develop policies to grant academic credit to current or former military members for use towards an Associate Degree or certification based on the member's length of active duty service and the skills, knowledge and competencies acquired during service. (Sec. 1)~~ (ED)
2. **INCLUDES VOCATIONAL CREDIT AND CERTIFICATION IN THE REQUIREMENT FOR COMMUNITY COLLEGES AND UNIVERSITIES TO PROVIDE CREDIT FOR MILITARY TRAINING AND SKILLS.** (Sec. 1) (ED)
3. **REQUIRES COMMUNITY COLLEGES AND UNIVERSITIES TO CONSULT WITH ADVS WHEN EVALUATING SKILLS, KNOWLEDGE AND COMPETENCIES FOR CREDIT**. (Sec. 1) (ED)
4. Directs universities **AND** (ED) community colleges ~~licensed private vocational programs~~ (ED) to:

a. Notify applicants who are current or former military members that they may be eligible to receive credit for ~~college-level~~ (ED) military training and education and may submit a transcript of the experience;

b. Evaluate transcripts and work in conjunction with ADVS to assess military education, training and experience for credit and notify applicants which credits are transferable. (Sec. 1)

1. Defines *transcript* and *member*. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1)

**Current Law**

Community colleges and universities are required to develop policies to award academic credit to current or former military members to be used toward an Associate Degree or Baccalaureate Degree, respectively. Credits are awarded based on the military member's length of active duty service and the skills, knowledge and competencies the member acquired during service. *Member of the United States military* is defined as a person who is currently serving or who has served in the United States air force, army, navy, marine corps or coast guard, the national guard or a reserve unit of any of these branches of the United States military. *Member of the United States military* does not include a person who was dishonorably discharged ([A.R.S. § 15-1898](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/15/01898.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2311:** ASU; consolidation of budget units

**PRIME SPONSOR:** Representative Boyer, LD 20

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68832)

ED: DP (9-0-0-2)

**Legend:**

ASU – Arizona State University

ABOR – Arizona Board of Regents

FTE – Full Time Equivalent

FY – Fiscal Year

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to ASU budget units.

**Provisions**

1. Consolidates the ASU budget units into a single unit. (Sec. 1)
2. Makes technical and conforming changes. (Sec. 1, 2)

**Current Law**

[A.R.S § 15-1601](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/15/01601.htm) requires ABOR to maintain an ASU west campus and east campus. Additionally, each campus is required to be identified in the General Appropriations Act as a separate budget unit from ASU.

**Additional Information**

The FY 2017 appropriations report for [ASU-Tempe/DPC](http://www.azleg.gov/jlbc/17AR/uniasum.pdf) includes 6,552.6 FTE positions and $867 million. [ASU west campus](http://www.azleg.gov/jlbc/17AR/uniasuw.pdf) includes 521.1 FTE positions and $84.9 million. [ASU east campus](http://www.azleg.gov/jlbc/17AR/uniasue.pdf) includes 416.2 FTE positions and $65.8 million.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2092:** wulfenite; state mineral

**PRIME SPONSOR:** Representative Finchem, LD 11

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68552)

EENR: DP (9-0-0-0)

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to state emblems.

**Provisions**

1. Declares wulfenite as the official state mineral.

**Current Law**

[Arizona Revised Statues Title 41, Chapter 4.1, Article 5](http://www.azleg.gov/arsDetail/?title=41) makes several designations of state emblems including copper as the official state metal and turquoise as the official state gemstone.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2094:** community protection initiative; report; continuation

**PRIME SPONSOR:** Representative Bowers, LD 25

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68554)

EENR: DP (7-2-0-0)

**Legend:**

Program **–** Community Protection Initiative Program

Fund – Community Protection Initiative Fund

JLBC – Joint Legislative Budget Committee

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to continuation of the Program.

**Provisions**

1. Continues the Program for four years until July 1, 2021. (Sec 2)
2. Prescribes a date for submitting the Program's annual report. (Sec 1)
3. Makes a conforming change. (Sec 1)

**Current Law**

The Program provides a source of cost-share funding to assist local governments and private landowners in reducing the volume of hazardous fuels on nonfederal forested land. The State Forester may issue grants from the Fund to at-risk communities to complete community wildfire protection plans ([A.R.S. 37-1342](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/37/01342.htm)). The Program is scheduled to terminate on July 1, 2017 ([A.R.S. 37-1344](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/37/01344.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

The State Forester is required to submit an annual report on the Program detailing budgeting expenditures, outstanding grants and progress in completing grant funded projects to the Governor, President of the Senate, Speaker of the House of Representatives, JLBC, Secretary of State and any person requesting a copy ([A.R.S. 37-1343](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/37/01343.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2130:** water quality; maximum daily load

**PRIME SPONSOR:** Representative Bowers, LD 25

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68601)

EENR: DP (8-1-0-0)

**Legend:**

Program – Total Maximum Daily Load Program

TMDL – Total Maximum Daily Load

ADEQ – Arizona Department of Environmental Quality

EPA – U.S. Environmental Protection Agency

OAH – Office of Administrative Hearings

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to TMDL Program reports.

**Provisions**

1. Requires ADEQ to submit an annual report on the Program's progress to the Governor, Speaker of the House of Representatives and President of the Senate by September 1. (Sec. 1)
2. Makes a technical change. (Sec. 1)

**Current Law**

*TMDL* is an estimation of the total amount of a pollutant from all sources that may be added to a water while still allowing the water to achieve and maintain surface water quality standards ([A.R.S. 49-231](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/49/00231.htm)).

[Laws 2000, Chapter 162](https://apps.azleg.gov/BillStatus/BillOverview/13542) required ADEQ to submit a report on the Program's progress by September 1, 2005 and include: 1) an evaluation of effectiveness and recommendations for statutory change; 2) an assessment of water quality problems better addressed under other federal or state laws; and 3) the identification and assessment of appeals filed with OAH ([A.R.S. 49-236](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/49/00236.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2153:** Arizona power authority; director; residency

**PRIME SPONSOR:** Representative Bowers, LD 25

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68641)

EENR: DP (6-3-0-0)

**Legend:**

APA – Arizona Power Authority

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the APA.

**Provisions**

1. Requires the APA director, manager or chief engineer to be an Arizona resident. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

The APA is charged with the responsibility of acquiring and managing Arizona's allocation of hydroelectric power generated by the Hoover Dam ([A.R.S. § 30-121](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/30/00121.htm)). The APA Commission is required to employ a duly licensed engineer as director, manager or chief engineer. An engineer with out-of-state residency or licensure may be hired ([A.R.S. § 30-108](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/30/00108.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2086:** municipalities; identification cards; prohibition

**PRIME SPONSOR:** Representative Lawrence, LD 23

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68546)

FPRPP: DP (6-2-0-1)

**Legend:**

ID.- Identification Card

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to municipal IDs.

**Provisions**

1. Prohibits a city or town from issuing municipal IDs. (Sec. 1)
2. Mandates the Attorney General to provide notice that a city or town has 30 days to resolve any violations of the law. (Sec. 1)
3. Specifies that if the city or town does not resolve the violation within 30 days, the Attorney General must:
4. Notify the state Treasurer; and
5. Monitor the response of the city or town. (Sec. 1)
6. Requires the state Treasurer to:
7. Withhold and not redistribute state shared money if the violation is not resolved in 30 days; and
8. Restore the distribution of state shared money when the violation is resolved. (Sec. 1)
9. Clarifies the regulation of government-issued IDs are of statewide concern and not subject to further regulation by a city or town. (Sec. 1)
10. Exempts library cards and employment ID cards as municipal IDs. (Sec. 1)
11. Contains a retroactive effective date of July 1, 2016. (Sec. 4)

**Current Law**

Not currently addressed in statute.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2226:** compact; balanced budget; convention

**PRIME SPONSOR:** Representative Mesnard, LD 17

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68747)

FPRPP: DP (6-3-0-0)

**Legend:**

CEO – Chief Executive Officer

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the enactment of a compact for a balanced budget amendment under Article V of the US Constitution.

**Provisions**

***DECLARATION OF POLICY, PURPOSE AND INTENT***

1. Declares that every state enacting, adopting and agreeing to be bound by this compact intends to ensure that their legislature's use of the power to originate an Article V balanced budget amendment will be conveniently exercised and knows with reasonable certainty as to the consequences. In consideration of their expressed mutual promises and obligations, be it enacted by every state agreeing to be bound by this compact, and resolved by each of their legislatures, to exercise all of their powers that are set forth and notwithstanding any law that is contrary. (Sec. 1)

***COMPACT MEMBERSHIP AND WITHDRAWAL***

1. Specifies this compact governs each member state to the fullest extent permitted by their constitutions, and supersedes and repeals any conflicting or contrary law. (Sec. 1)
2. States that by becoming a member state, each state offers, promises and agrees to perform and comply with the terms and conditions of this compact. In addition to having the force of law in each member state upon its effective date, this compact and each of its articles are contractually binding in each member state when:
   1. At least one other state has become a member state by enacting identical legislation agreeing to be bound by this compact; and
   2. Notice of a state's member state status is or has been received by the compact administrator or by the CEO of each other member state. (Sec. 1)
3. Requires legislation agreeing to be bound by this compact to be deemed as substantively identical with respect to other legislation enacted by another state for purposes of determining member status notwithstanding:
   1. Any difference with regard to the respective enacting state's own method of appointing its member to the commission;
   2. Any difference with regard to the number and identity of each delegate appointed on behalf of the enacting state, provided that no more than three delegates may attend and participate in the convention on behalf of any state; or

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

* 1. Any difference with regard to the enacting state as to whether Section 1 of Article V will survive the termination of the compact and become a continuing resolution of the legislature applying to Congress for the calling of an Article V convention of the states. (Sec. 1)

1. Permits any member state to withdraw from this compact, if fewer than three-fourths of the states agree to join, by enacting legislation and giving notice of the withdrawal to the compact administrator or to the CEO of each other member state. (Sec. 1)
2. Mandates that a withdrawal must not affect the validity of the compact with respect to remaining member states, provided that at least two states remain. Once three-fourths of the states are member states, then no member state may withdraw from the compact prior to its termination absent unanimous consent of all member states. (Sec. 1)

***COMPACT COMMISSION AND COMPACT ADMINISTRATOR***

1. Establishes the compact Commission with the following duties:
   1. Appoint and oversee a compact administrator;
   2. Encourage states to join the compact and Congress to call the convention in accordance with the compact;
   3. Coordinate the performance of obligations under the compact;
   4. Oversee the convention's logistical operations as appropriate to ensure this compact governs its proceedings;
   5. Oversee the defense and enforcement of the compact in appropriate legal venues;
   6. Request funds and to disburse those funds to support the operations of the commission, compact administrator and convention; and
   7. Cooperate with any entity that shares a common interest with the Commission and engages in policy research, public interest litigation or lobbying in support of the purposes of the compact. (Sec. 1)
2. Requires the Commission to have implied powers that are essential to carrying out these duties and it must take no action that is inconsistent with this compact or any law of any state that is not superseded by this compact. The Commission may adopt and publish by-laws and policies. (Sec. 1)
3. Describes the Committee membership which consists of three unpaid members. Each member state may appoint one member to the Commission through an appointment process determined by the CEO until all positions are filled. Positions must be assigned to appointees in order of when a state joined the compact; and the bylaws of the Commission may expand its membership to include representatives of additional member states. There may be room for salaries and reimbursement of expenses if there is adequate funding. (Sec. 1)
4. Allows for each member to be entitled to one vote and must not act unless a majority of its appointed membership is present and no action is binding unless approved by a majority of the commission's appointed membership. (Sec. 1)
5. Requires the Commission to meet at least once a year but may meet more frequently. (Sec. 1)
6. Mandates the Commission to elect from among its membership a chair, determine a primary place of doing business and appoint a compact administrator. (Sec. 1)
7. Requires the Commission and compact administrator's activities to be funded exclusively by each member state or by voluntary donations. (Sec. 1)
8. Establishes the powers and duties of the compact administrator as follows:
   1. Notify the states of the date, time and location of the convention;
   2. Organize and direct the logistical operations of the convention;
   3. Maintain an accurate list of all member states and their appointed delegates including contact information; and
   4. Formulate, transmit and maintain all official notices, records and communication relating to this compact. (Sec. 1)
9. Requires the compact administrator to have implied powers that are essential to carrying out these duties, and it must take no action that is inconsistent with this compact or any law of any state that is not superseded by this compact. The administrator serves at the pleasure of the Commission and must keep the Commission notified of the performance or nonperformance of the terms and conditions of this compact. (Sec. 1)
10. Authorizes the compact administrator to immediately send notices to all recipients with certified copies of the chaptered version of this compact as follows:
    1. Whenever any state becomes a member state, notice should be given;
    2. When at least three-fourths of the states are member states, notice should be given with a statement declaring that the legislatures of at least two-thirds of the states have applied for a convention for proposing amendments under Article V of the U.S. Constitution, petitioning Congress to call the convention and requesting cooperation in organizing the convention;
    3. Once Congress is called, the convention notice should be given with the date, time and location;
    4. Upon approval of the balanced budget amendment by the convention, notice should be given with the transmission of certified copies of the approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths of the legislatures; and
    5. When any article of this compact is effective in any member state, notice should be given with a statement declaring the ratification and further requesting cooperation in ensuring that the official record confirms and reflects the effective corresponding amendment to the U.S. Constitution. (Sec. 1)
11. States that whenever a member state enacts legislation withdrawing from the compact, the compact administrator must send certified copies of the chaptered version of the legislation to each CEO of each remaining member state. (Sec. 1)
12. Authorizes the Commission, member states and compact administrator to cooperate with each other and give mutual assistance to enforce this compact. They must give the chief law enforcement officer of each member state any information that is necessary to facilitate the enforcement of this compact. (Sec. 1)
13. Clarifies that this article does not take effect until there are at least two member states. (Sec. 1)

***RESOLUTION APPLYING FOR CONVENTION***

1. Specifies that the legislature of each member state applies to Congress to call an Article V convention proposing amendments to the U.S. Constitution limited to the subject matter of proposing ratification of the balanced budget amendment. (Sec. 1)
2. Petitions Congress to refer the balanced budget amendment to the states for ratification by three-fourths of their legislatures. (Sec. 1)
3. States that this article does not take effect until at least three-fourths of the several states are member states. (Sec. 1)

***DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS***

1. Requires the member state to be entitled to three delegates to represent its sovereign interest at the convention. (Sec. 1)
2. Specifies that the governor, speaker of the House of Representatives and president of the Senate of the member state or their designee are appointed in an individual capacity to represent the member state at the convention as its sole delegates. A majority vote of the delegation must decide any issue at the convention on behalf of the member state. (Sec. 1)
3. Allows for a delegate to be replaced or recalled by the legislature of their state at any time for good cause such as misconduct or violation of the compact. If a delegate is recalled, they must vacate the convention and return to their state's capitol. (Sec. 1)
4. Allows for the power and authority of a delegate to be exercised after the convention is first called by Congress and the appointment is accepted by an oath. (Sec. 1)
5. States that the term of a delegate starts upon acceptance of appointment and terminates upon the permanent adjournment of the convention, replacement or forfeiture. Any person formerly serving as a delegate must withdraw from and stop participation at the convention. (Sec. 1)
6. Limits the power and authority of any delegate appointed to:
   1. Introducing, debating, voting upon, rejecting or proposing for ratification the balanced budget amendment; and
   2. Introducing, debating, voting upon, rejecting or proposing for ratification the balanced budget amendment. (Sec. 1)
7. Prohibits a delegate of any member state to introduce, debate, vote upon, reject or propose for ratification any constitutional amendment at the convention unless:
   1. The convention rules specified in this compact govern the convention and their actions; or
   2. The constitutional amendment is the balanced budget amendment. (Sec. 1)
8. Clarifies that the power and authority of any delegate doesn't include any power or authority associated with any other public office. A person who serves as a delegate must take a temporary leave of absence or will be deemed disabled from any other public office while attending the convention. Any action taken by a delegate that is in violation of this rule is void. (Sec. 1)
9. Requires that each delegate of every member state must ensure that the convention rules govern before introducing, debating, voting, rejecting or proposing any ratification of constitutional amendments. Every delegate must vacate the convention and notify the compact administrator if the rules are not adopted to govern the convention. (Sec. 1)
10. Stipulates that if any member state or delegate violates any provision of this compact, every delegate of that state forfeits their appointment, and they must cease participation at the convention and return to their state's capitol. (Sec. 1)
11. Allows for a delegate to be reimbursed of reasonable expenses for attending the convention from their member state. No delegate may accept any other form of compensation for their services. (Sec. 1)

***CONVENTION RULES***

1. Mandates that the convention must be organized, construed and conducted as a body representing and constituted by several states. (Sec. 1)
2. Requires the agenda of the convention to be focused on introducing, debating, voting upon, rejecting or proposing for ratification the balanced budget amendment under the convention rules. (Sec. 1)
3. Specifies that states must be represented at the convention through appointed delegates. The number, identity and authority of the delegates must be determined by the compact. No more than three delegates may attend and participate in the convention on behalf of any state; and they must have a copy of this compact along with a government issued photo identification card. (Sec. 1)
4. Mandates that each state represented at the convention must have one vote or, if more than one delegate is represented, by the majority vote of that state's delegates. (Sec. 1)
5. Ensures that a majority of the states will constitute a quorum for the transaction of any business on behalf of the convention. (Sec. 1)
6. Specifies the convention must only act as a committee of the whole, chaired by the delegate representing the first member state. Business at the convention including the designation of a secretary, the adoption of parliamentary procedures and the rejection or proposal of any constitutional amendment, requires a quorum to be present and a majority vote. (Sec. 1)
7. Requires that convention proceedings to be temporarily suspended in the case of an emergency, and the commission must relocate or reschedule the convention to resume proceedings. (Sec. 1)
8. Mandates the convention to adopt provisions of the most recent editions of Robert's Rules of Order and the American Institute of Parliamentarians standard code of parliamentary procedures. (Sec. 1)
9. Requires the chair of the convention to transmit certified copies of approved proposed amendments to the compact administrator notifying of the approval and requesting Congress to refer the same for ratification by the states under Article V of the Constitution. (Sec. 1)
10. Specifies that records of the convention must be kept by the chair or secretary. All proceedings and records of the convention must be open to the public. (Sec. 1)
11. Mandates the convention to permanently adjourn upon 24-hours after commencing proceedings or the completion of the business on the agenda. (Sec. 1)

***PROHIBITION ON ULTRA VIRES CONVENTION***

1. Prohibits member states from participating in the convention unless:
   1. Congress calls the convention first; and
   2. The convention rules of this compact are adopted by the convention as its first order of business. (Sec. 1)
2. Allows any proposal or action of the convention to be void and issued by a body that is conducting itself in an unlawful fashion if that proposal or action did the following:
   1. Violated or was approved in violation of the convention rules or the delegate instructions and limitations on delegate authority;
   2. Purports to propose a mode of ratification that is not specified in Article V of the U.S. Constitution; or
   3. Purports to propose the formation of a new government. (Sec. 1)
3. Prohibits all member states from advancing in any proposal or action in the above provision, and ratifies any proposed amendment to the U.S. Constitution other than the balanced budget amendment. (Sec. 1)

***RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT***

1. Requires each member state to adopt and ratify the balanced budget amendment. (Sec. 1)
2. Clarifies that this article does not take effect until Congress refers the balanced budget amendment to the states for ratification by three-fourths of the legislatures. (Sec. 1)

***CONSTRUCTION, ENFORCEMENT, VENUE AND SEVERABILITY***

1. Mandates the alteration of local legislative rules, drafting policies and the enactment of legislation adopting this compact to waive, repeal or amend all rules to allow for this compact to take effect. (Sec. 1)
2. Specifies that the convention may be held in Dallas, Texas, and commence at 9:00 a.m. on the sixth Wednesday after the effective date of the compact or the enactment date of the congressional resolution calling the convention. (Sec. 1)
3. Allows the chief law enforcement officer of each member state to defend the compact from any legal challenge and also seek mandatory civil injunctive relief to enforce this compact if it is challenged. (Sec. 1)
4. Mandates that the venue for any legal actions to be in the U.S. District Court for the northern district of Texas or the courts within the boundaries of the District Court. (Sec. 1)
5. Allows the Commission to waive venue to allow for a more convenient place of venue that allows for a more convenient enforcement or defense of the compact. The waiver must be limited to the particular action and must be final and binding on each member state. (Sec. 1)
6. States that the effective date of this compact and its articles are the date of any event rendering the same effective date or the earliest date permitted by law. (Sec. 1)
7. Deems this compact non-severable prior to termination of the compact. If this compact is declared by a court to be contrary to the U.S. Constitution, the member states must withdraw from the compact. If the compact is declared by a court to be in violation of the U.S. Constitution, then it must be enforced as reciprocal legislation enacted by the effected member states. (Sec. 1)
8. Mandates that the compact terminate when the compact is fully performed and the U.S. Constitution is amended by the balanced budget amendment. If the amendment doesn't occur within seven years after the first state passes legislation agreeing to be bound to the compact, the compact must terminate as follows:
   1. The Commission must dissolve and wind up its operations within 90 days, and the compact administrator must give notice of the dissolution to the notice recipients; and
   2. Upon the completed dissolution of the Commission, the compact must be terminated, repealed and void. (Sec. 1)
9. Specifies that Arizona conditionally enacts and agrees to comply with the compact if and when a member state does the following:
   1. Has passed legislation that manifests consent to the amendment or adopts the compact for a balanced budget; and
   2. Has given written notice of the passage of the legislation including a certified copy of the legislation to the compact administrator, the Governor or the CEO of each member state. (Sec. 1)
10. States that this compact must terminate when the compact is fully performed. In the event that the amendment does not occur by April 12, 2031, the compact must terminate as follows:
    1. The commission must dissolve and wind up its operations within 90 days with the compact administrator giving notice of the dissolution to the compact notice recipients; and
    2. Upon the completed dissolution of the Commission, the compact must be deemed terminated, repealed and void. (Sec. 1)
11. Contains an emergency clause. (Sec. 2)
12. Defines terms. (Sec. 1)

**Current Law**

Not currently addressed in statute.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HCR 2010:** application; Article V convention

**PRIME SPONSOR:** Representative Townsend, LD 16

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68636)

FPRPP: DP (6-3-0-0)

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to a call for an Article V convention to propose amendments to the U.S. Constitution.

**Provisions**

1. Urges Congress to call an Article V convention of the states to propose amendments to the U.S. Constitution that will:
2. Impose fiscal restraints on the Federal Government;
3. Limit the power and jurisdiction of the Federal Government; and
4. Limit the terms of office for its officials and members of Congress.
5. Continues this application until at least two-thirds of the state legislatures have made applications on the same subjects.
6. Asserts that this application is revoked, withdrawn, nullified and superseded, retroactive to the date of enactment if the application is used for any other purpose.
7. Allows the Arizona Legislature to provide further instruction to its delegates and recall them at any time for a breach of duty or violation of instructions including the failure to support 12 year term limits for members of Congress.
8. Instructs the Arizona Secretary of the State to transmit copies of this resolution to specified individuals.

**Current Law**

The U.S. Constitution states that amendments may be proposed in two ways:

1. By two-thirds of both Chambers of Congress; or
2. By an application of two-thirds of state legislatures calling a convention for proposed amendments.

Proposed amendments must then be ratified by three-fourths of the state legislatures or by three-fourths of the state convention. ([Article V](https://www.law.cornell.edu/constitution/articlev), U.S. Constitution)

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HCR 2013:** convention; balanced federal budget

**PRIME SPONSOR:** Representative Mesnard, LD 17

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68751)

FPRPP: DP (6-3-0-0)

**Legend:**

FY- Fiscal Year

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to a call for an Article V Convention to propose an amendment to the U.S. Constitution.

**Provisions**

1. Urges Congress to call a convention of the states to propose an amendment to the U.S. Constitution to limit total federal appropriations for any FY. Appropriations must not exceed the total of all estimated federal revenue for that FY with any related and appropriate fiscal restraints, in the absence of a national emergency.
2. Stipulates the application covers the same subject matter as the outstanding balanced budget application from 28 states for the purpose of attaining two-thirds of the states required to call a convention, but it may not be counted for any applications on other subjects.
3. Continues this application until at least two-thirds of state legislatures have made applications on the same subjects.
4. States this application supersedes all previous applications by the Arizona State Legislature on the same subject.
5. Instructs the Arizona Secretary of the State to transmit copies of this resolution to specified individuals.

**Current Law**

The U.S. Constitution states that amendments may be proposed in two ways:

1. By two-thirds of both Chambers of Congress; or
2. By an application of two-thirds of state legislatures calling a convention for proposed amendments.

Proposed amendments must then be ratified by three-fourths of state legislatures or by three-fourths of the state convention. ([Article V](https://www.law.cornell.edu/constitution/articlev), U.S. Constitution)

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2113:** government vehicles; political speech; prohibition

**PRIME SPONSOR:** Representative Thorpe, LD 6

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68587)

GOV: DP (5-3-0-0)

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the prohibition of political speech on government vehicles.

**Provisions**

1. Prohibits a motor vehicle owned or leased by the state or a political subdivision of the state from displaying information regarding a political organization, including a labor organization, or political speech. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

**Current Law**

[A.R.S. § 38-538](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00538.htm) defines a government vehicle as a motor vehicle owned or leased for six months or more by this state. A government vehicle is required to bear the designation of the state as well as the designation, "for official use only."

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2128:** JLAC: auditor general

**PRIME SPONSOR:** Representative Allen J, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68599)

GOV: DP (8-0-0-0)

**Legend:**

AG – Attorney General

COR – Committee of Reference

JLAC – Joint Legislative Audit Committee

JLBC – Joint Legislative Budget Committee

OAG – Office of the Auditor General

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to audit and review requirements by the OAG, COR and JLAC.

**Provisions**

1. Requires the President of the Senate and Speaker of the House, rather than JLAC, to:
   1. Designate the chairman of each COR and assign agencies to their respective CORs for performance review;
   2. Receive the following reports and assign them to the appropriate COR:
      1. The annual report of the Arizona Game and Fish Commission;
      2. The written report required by a person or legislator explaining factors for assessing the impact of a legislative proposal for mandated health coverage; and
      3. The report required by a person that advocates a legislative proposal that would mandate that an insurer or self-insured employer deem that a disease or condition has arisen out of employment or substantially modifies a statute that establishes a presumption of compensability. (Sec. 2, 3, 4, 5, 20)
2. Requires JLAC to meet on the call of the chairman and annually, rather than quarterly. (Sec. 10)
3. Requires JLBC to issue a fiscal note for any legislative measure that requires an OAG special audit before the measure is scheduled for:
   1. 3rd Read in the chamber of origin in which the audit requirement was added; or
   2. Final passage if the special audit was added in a Conference Committee. (Sec. 12)
4. Permits the OAG, in the performance of its official functions, to interview employees and have access to records that are protected under the attorney-client privilege and states that these files are:
   1. Not public records or subject to disclosure; and
   2. Exempt from public record requirements. (Sec. 13, 14)
5. Permits the OAG to attend executive sessions of any entity subject to public meetings and procedure. (Sec. 13)
6. States that the [Class 2 misdemeanor](http://www.azcourts.gov/Portals/0/CriminalSentencingCt/2016Sentencing.pdf) (4 months/ $750 plus surcharges) for knowingly failing or refusing to permit such access and examination includes otherwise knowingly obstructing or misleading the OAG in the execution of its duties. (Sec. 13)
7. Requires all officers of any state agency, board, commission, department, institution, program, advisory council or committee or political subdivision and state contractors to afford reasonable and needed facilities for OAG staff and make records available. (Sec. 13)
   1. States that any of these persons who provides access to information and is protected under attorney-client privilege does not waive the privilege solely by providing access. (Sec. 13)

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

1. Requires the AG to supervise the prosecution of any offenders of requirements for cooperation with the OAG. (Sec. 13)
2. Removes the requirement that the COR issue a report of its recommendations to JLAC after receiving reports relating to presumption of compensability and mandated health coverage (Sec. 3, 4, 5)
3. Requires a performance audit conducted by the OAG to include one or more of the following, rather than all of the following:
   1. Whether the audited agency is managing and utilizing its resources in an economical and efficient manner;
   2. Causes of inefficiencies or uneconomical practices;
   3. Whether the desired results are being achieved; and
   4. Whether established objectives are being met. (Sec. 9)
4. Makes the following changes to the powers and duties of OAG:
   1. Requires an annual, rather than biennial, financial and compliance audit of the financial transactions and accounts kept by or for state agencies subject to the federal single audit requirements;
   2. Removes the requirement to submit an annual report to the Governor and JLAC;
   3. Requires an audit be conducted by the OAG on any county's transportation excise tax after its first 5 years, rather than 10 years.
   4. Removes the requirement that performance audits on school district spending conducted by OAG include whether school districts receive monies from the Arizona Structured English Immersion Fund and the Statewide Compensatory Instruction Fund;
   5. Requires a school district to submit a status report on the implementation of any recommendations made within a two-year period, rather than every six months for two years; and
   6. Removes the requirement to review a school district's progress with implementation of any recommendations every six months. (Sec. 12)
5. Requires the treasurer of a county that approves a transportation excise tax to:
   1. Cooperate with and provide necessary information to the OAG; and
   2. In lieu of the Arizona Department of Transportation, reimburse the OAG for the cost of conducting the studies on the counties transportation excise tax or performance audits on Arizona Highway User Revenue Fund monies received by a county, city or town. (Sec. 12)
6. Includes monies received from performing audits of federal funds, counties for which the OAG conducts audits of transportation excise taxes and other statutory sources as monies which make up the Audit Services Revolving Fund. (Sec. 15)
7. Removes the requirement that the OAG uniform expenditure reporting system for community college districts include:
   1. A reconciliation of the total expenditures reported within the financial statements to the total expenditures reported within the expenditure limitation report; and
   2. Total budget expenditures, exclusions from local revenues and total amounts be listed by fund. (Sec. 16)
8. Requires OAG to conduct an annual financial statement audit, rather than a financial and compliance audit or annual audit, of financial transactions and accounts kept by or for all counties and community college districts, and requires the audits:
   1. To include, for a county that is required to comply with federal single audit requirements, compliance audits of financial transactions and applicable accounts kept by or for the county or college district;
   2. Be conducted in accordance with generally accepted governmental auditing standards; and
   3. Include tests of the accounting records and other auditing procedures as may be considered necessary. (Sec. 18)
9. Repeals statute that:
   1. Requires county, community college district and school district officers to afford reasonable and needed facilities and make returns and exhibits to OAG under oath; and
   2. Keeps applicable penalties for violation. (Sec. 19)
10. Modifies the factors that the COR must consider in determining the need for continuation or termination of each agency it reviews and the written statement prepared by the agency the following manner:
    1. Removes the requirement that the COR consider the extent to which:
       1. The agency services the entire state, rather than specific interests;
       2. The AG or other applicable agency has the authority to prosecute actions under the enabling legislation;
       3. The agency has used private contractors in the performance of their duties as compared to other states and how more effective use of private contractors could be accomplished.
    2. Requires the COR to consider the extent to which:
       1. The agency's key objectives and purposes duplicate the objectives and purposes of other governmental agencies;
       2. The agency has established safeguards against possible conflicts of interest;
       3. Statutory changes are necessary for the agency to more efficiently and effectively fulfill its key statutory objectives and purposes or eliminate statutory responsibilities that are no longer necessary.
    3. Requiring the written statement, rather than COR factors, to include the extent to which the agency potentially creates unexpected negative consequences that might require additional review by the COR (including increasing the price of goods, affecting the availability of services, limiting the ability of individuals and businesses to operate efficiently and increasing the cost of government);
    4. Requires the COR factors, rather than the written statement, to include the extent to which the agency's objectives and purposes duplicate the functions of other state agencies; and
    5. Removing the requirement that the agency statement contain:
       1. An identification of the problem or needs that the agency is intended to address;
       2. A statement of the agency's agenda;
    6. Requires the agency statement to contain an assessment of the extent to which the agency has addressed deficiencies in its enabling statutes. (Sec. 21)
11. Requires the OAG, rather than JLAC, to conduct a review of the Arizona Department of Education's programs and activities, the programs and commissions established by the legislature within the judiciary and state universities. (Sec. 22)
12. Makes technical and conforming changes. (Sec. 1, 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 20, 21, 22)

**Current Law**

JLAC is a committee consisting of members of the Legislature appointed by the Speaker of the House and President of the Senate. JLAC is required to oversee all audit functions of the legislature and state agencies, including, sunset, performance, special and other audits ([A.R.S. § 41-1279](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/01279.htm)).

Each standing committee of both legislative houses is required to appoint a subcommittee of five members. This subcommittee jointly constitutes a COR in its respective subject area. When an agency goes through the sunset review process, the COR is required to hold a public hearing to consider multiple factors relating to the agency and receive public testimony. After the hearing, the COR must issue a final sunset review report, which must include a written statement, containing recommendations of whether the agency should be continued, revised, consolidated or terminated ([A.R.S. § 41-2954](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/02954.htm)). The OAG is required to complete a number of performance, sunset, financial, compliance and other audits pursuant to [A.R.S. § 41-1279.03](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/01279-03.htm). The OAG is required to issue a list of all agencies scheduled for termination in the preceding 20 months and recommend whether the sunset reviews be conducted by the OAG or a COR.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2176:** mobile home relocation; long-term RVs

**PRIME SPONSOR:** Representative Coleman, LD 16

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68669)

GOV: DP (8-0-0-0)

**Legend:**

ADOH – Arizona Department of Housing

Director – Director of ADOH

Fund – Mobile Home Relocation Fund

RV – Recreational Vehicle

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the relocation of mobile homes and RVs using Mobile Home Relocation Fund monies.

**Provisions**

1. Increases the maximum amount that a mobile home owner may receive from the Fund for relocation as a result of a change in use of the mobile home park in which they reside, from:
   1. $5,000 to $7,500 for single section mobile homes; and
   2. $10,000 to 12,500 for multisection mobile homes. (Sec. 1)
2. Stipulates that if a tenant is required to move due to a change in use of an RV park or redevelopment of the park, the tenant may:
   1. Collect payment from the Fund for actual moving expenses of relocating to a new location that is within 50 miles or up to $4,000, whichever is lower; or
   2. Abandon the park trailer or park model in the park and collect up to one-fourth of the maximum allowable moving expenses from the Fund. (Sec. 4)
3. States that a tenant who relocates due to a change in the park from an age-restricted to all-ages community is eligible for either moving expenses or $4,000 from the fund, whichever is less. (Sec. 4)
4. Requires the landlord to notify the Director and all tenants who own park trailers or park models of a change in use at least 180 days before the change of use and:
   1. Prohibits the landlord from increasing rent within 90 days before giving notice of a change in use; and
   2. Requires the landlord to inform all tenants in writing about the Fund. (Sec. 4)
5. Requires each owner of a park trailer or park model located in a park in which they do not own the land to pay a yearly assessment to the state ~~in an amount determined by the Director~~ **PURSUANT TO STATUTE** in order to provide monies to the Fund. (Sec. 4) (*GOV*)
6. Requires the landlord of an RV park to notify the Director and all tenants who own a park trailer or park model in writing at least 60 days before a change in use from an age-restricted community to an all-age community. (Sec. 4)
7. Includes stabilizing a mobile home, park trailer or park fund to the list of moving expenses for which an owner can be reimbursed through relocation assistance from the Fund. (Sec. 1, 4)
8. Requires the landlord of an RV park to provide notice to any person purchasing or placing a park trailer or park model in the park that the RV is governed by the Arizona Recreational Vehicle Long-Term Rental Space Act and not the Arizona Mobile Home Parks Residential Landlord and Tenant Act. (Sec. 3)

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

1. Stipulates that in order to receive an abandonment payment from the Fund, the tenant must:
   1. Deliver the following to the landlord:
      1. The current title of the park trailer or park model with the notarized endorsement of the owner of record;
      2. Complete releases of all liens that are shown on the title; and
      3. Proof that all taxes have been paid to date.
   2. Provide a copy of the documents delivered to the landlord to ADOH in support of their application for payment. (Sec. 4)
2. Stipulates that the landlord is exempt from making payments to the Fund if:
   1. The tenant abandons their park trailer or park model in the park;
   2. The park trailer or park model is owned by the landlord;
   3. The tenant does not apply for relocation assistance; or
   4. The park trailer or park model relocates due to a change from an age-restricted community to an all-age community. (Sec. 4)
3. Permits the tenant to collect up to an additional $2,500 in Fund monies if the tenant is relocated due to a change in use and the Director determines that the park model or park trailer was ground set in the park from which it was removed. (Sec. 4)
4. Requires the landlord to pay $250 to the Fund for each tenant that files for relocation assistance with the Director as a result of a change in land use. (Sec. 4)
5. Requires the landlord to pay an additional $250 to the Fund for each space in the park occupied by a park trailer or park model if the landlord fails to provide required notice of a change in use. (Sec. 4)
6. Requires a tenant to submit a contract for relocation for approval to the Director within 60 days after the relocation in order to be eligible for payment of relocation expenses. (Sec. 4)
7. Stipulates that if the state or a political subdivision of the state exercises eminent domain, they are responsible for the relocation costs of the tenants. (Sec. 4)
8. Stipulates that the tenant is not eligible for compensation for a change in use of an RV park if:
   1. They are vacating the premises and inform the landlord or manager before the change in use notice; or
   2. Purchases a park trailer or park model already situated in a park or moves into a park in which a change in use notice has been given. (Sec. 4)
9. Exempts a change in use in which the landlord moves a tenant to another space in the park at the landlord's expense. (Sec. 4)
10. Requires the landlord to give written notice of the statutory requirements relating to a change in use from an age-restricted community to an all-ages community. (Sec. 4)
11. Stipulates that a tenant is eligible to receive relocation expenses for a change of community type, if the tenant:
    1. Submits a contract for relocation of the park trailer or model to the landlord and to the Director for approval;
    2. Has a fully signed contract with a licensed installer or contractor to move the park trailer or model to a specific location by a specific date; and
    3. Has moved the park trailer or model within 45 days after notice from the Director of approval. (Sec. 4)
12. Requires the Director to approve or deny a contract for relocation as a result of change in use or community type of an RV park within 15 days of receipt of the contract and stipulates that the contract is deemed to be approved if the Director does not approve or deny the contract within 15 days of receipt. (Sec. 4)
13. Stipulates that if the contract for relocation is approved, the payment of relocation expenses must be made to the installer or contractor once the installer or contractor:
    1. Has obtained valid permits to move the park trailer or model to a new location; and
    2. Provides documentation to ADOH that the installation at the new location is complete and has been inspected by ADOH or its designee and approved for occupancy. (Sec. 4)
14. Stipulates that if a contract of relocation is not approved, the tenant may appeal to an administrative law judge and must provide notice to the landlord that they are not renewing the rental agreement if they relocate. (Sec. 4)
15. Requires landlords and tenants, after receiving notice of a pending change of use of the park, to inform any prospective buyer or tenant that a closure of the park is pending. (Sec. 1).
16. Requires the county treasurer to:
    * 1. Collect the assessment on park trailer and park model owners at the same time and manner as personal property taxes;
      2. Separately list the assessment on the tax roll;
      3. Transfer monies to the State Treasurer for deposit in the Fund; and
      4. Send a written notice of the total taxable assessed valuation of all park trailers and park models in the county. (Sec. 4)
17. States that the assessment constitutes a lien on the park trailer or park model (Sec. 4).
18. Requires the Director to notify all county assessors to waive the assessment for any year that the monies in the Fund exceed $8 million, and:
    1. Send a copy of the notice to the county treasurers; and
    2. Notify the county assessors to reinstate the assessment at the end of a FY in which the Fund monies is less than $6 million. (Sec. 4)
19. **REQUIRES THE DEPUTY DIRECTOR OF ADOH TO PROVIDE THE BOARD OF MANUFACTURED HOUSING WITH THE BALANCE, REVENUES AND EXPENDITURES OF THE MOBILE HOME RELOCATION FUND AND REQUIRES THIS INFORMATION TO BE UPDATED AND POSTED ON THE ADOH WEBSITE.** (Sec. 5) (*GOV*)
20. **REQUIRES ANY PERSON WHO INHERITS A MOBILE HOME BY WILL, TRUST OR OTHER TESTAMENTARY CONVEYANCE TO:**
    1. **MEET THE REQUIREMENTS PRESCRIBED FOR OTHER TENANTS IN ORDER TO RESIDE IN THE MOBILE HOME ON THE PREMISES; AND**
    2. **PAY ANY PAST-DUE AMOUNT TO THE LANDLORD FROM THE DECEASED TENANT.** (Sec. 5) (*GOV*)
21. **REQUIRES THE LANDLORD, IF A PERSON INHERITS A MOBILE HOME, TO APPLY ALL OF THE DECEASED TENANT'S PREPAID AMOUNTS OR CREDITS FOR THE BENEFIT OF THE TENANCY OF THE PERSON INHERITING THE MOBILE HOME.** (Sec. 5) (GOV)

**Current Law**

The owner of a mobile home that is required to relocate due to a change in use of the land by the landlord is eligible to receive payment from the fund up to $5,000 for a single section mobile home or $10,000 for a multisection mobile home for moving expenses. A tenant who chooses to abandon their mobile home in the park may collect ¼ of the maximum allowable moving expense from the fund. The landlord of a park in which a change in use occurs must pay $500 for each single section mobile home and $800 for each multisection mobile home to the Fund for each tenant filing for relocation assistance. The landlord is required to pay additional fees to the Fund in certain circumstances ([A.R.S. § 33-1476.01](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/33/01476-01.htm)).

Additionally, the landlord of a mobile home park is required to notify the Director and all tenants of a change in use from an age-restricted community to an all age community at least 60 days before the change. The tenant is eligible for up to $5,000 for a single section mobile home and up to $10,000 for a multisection mobile home. The landlord, however, is not responsible for payment into the Fund for any relocation resulting from the change in community type ([A.R.S. § 33-1476.05](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/33/01476-05.htm)).

In order to provide money to the Fund, each owner of a mobile home who does not own the land of the park in which the mobile home resides must pay an assessment of 50¢ on each $100 of the taxable assessed valuation for each mobile home that the person owns ([A.R.S. § 33-1476.03](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/33/01476-03.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2186:** ombudsman-citizens aide; reports

**PRIME SPONSOR:** Representative Thorpe, LD 6

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68679)

GOV: DP (8-0-0-0)

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the annual report of the ombudsman-citizens aide.

**Provisions**

1. Requires the annual report of the ombudsman-citizens aide to include a description of public awareness and outreach activities. (Sec. 1)
2. Makes conforming changes. (Sec. 1)

**Current Law**

The ombudsman-citizens aide is selected by a committee consisting of legislators, public members, consumer groups, and state employees who are appointed by the Governor, President of the Senate and the Speaker of the House of Representatives [(A.R.S. § 41-1373)](http://www.azleg.gov/viewdocument/?docName=http%3A%2F%2Fwww.azleg.gov%2Fars%2F41%2F01373.htm). [A.R.S. § 41-1375](http://www.azleg.gov/viewdocument/?docName=http%3A%2F%2Fwww.azleg.gov%2Fars%2F41%2F01375.htm) requires the ombudsman-citizens aide to serve no more than three terms of five years. The ombudsman-citizens aide is required to investigate administrative acts of agencies and prepare an annual written report [(A.R.S § 41-1376)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/01376.htm).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2227:** legislators; mileage rate

**PRIME SPONSOR:** Representative Mesnard, LD 17

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68750)

GOV: DP (8-0-0-0)

**Legend:**

ADOA – The Arizona Department of Administration

GSA – U.S. General Services Administration

IRS – U.S. Internal Revenue Service

JLBC – The Joint Legislative Budget Committee

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the mileage reimbursement rate for members of the State Legislature.

**Provisions**

1. Requires members of the Legislature to be reimbursed for travel at the federal mileage reimbursement rate, as determined by the GSA, rather than as prescribed by state law. (Sec. 1)
2. Makes technical changes. (Sec. 1)

**Current Law**

The rates of reimbursement for state travel are set by ADOA. Any increase or decrease from the current rate is required to be approved by JLBC ([A.R.S. § 38-623](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/38/00623.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**Additional Information**

The current Arizona reimbursement rate for personal vehicle mileage is set at 44.5¢ per mile by ADOA. Topic 50, Section 95 of the State of Arizona Accounting Manual, relating to maximum mileage for lodging, meal, parking and incidental expense reimbursement rates can be found [here](https://gao.az.gov/sites/default/files/5095%20Reimbursement%20Rates%20161205.pdf). The current reimbursement rate for privately owned vehicle mileage is set by GSA at 53.5¢ per mile, and can be found [here](https://www.gsa.gov/portal/content/100715).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2075:** radiation regulatory agency; DHS; transfer

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68535)

Health: DP 8-0-0-1

**Legend:**

ARRA – Arizona Radiation Regulatory Agency

ADHS – Arizona Department of Health Services

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the transfer of ARRA to ADHS.

**Provisions**

1. Transfers ARRA's authority, powers, duties and responsibilities to ADHS. (Sec. 1 -37, 39-42)
2. Clarifies that all actions, obligations, administrative rules and orders, contracts, judicial and quasi-judicial actions (regardless of status) certificates, licenses, registrations, permits, equipment, records, furnishing, data and investigative findings, unexpended and unencumbered monies, personnel are transferred to ADHS and remain valid upon the effective date of this act. (Sec. 42)
3. Terminates the Radiation Regulatory Hearing Board on July 1, 2018 and repeals relevant statutes on January 1, 2019. (Sec. 38)
4. Defines *department* and *director*. (Sec. 28, 33)
5. Makes technical and conforming changes. (Sec. 1-40)

**Current Law**

[ARRA](https://arra.az.gov/) replaced the Arizona Atomic Energy Commission in 1980 as the agency responsible for the enforcement of state rules and regulations for the control of ionizing and nonionizing radiation. ARRA has six program areas: 1) Radioactive Materials; 2) X-Ray Compliance; 3) Nonionizing Radiation Compliance; 4) Radiation Measurements Laboratory; 5) Emergency Response; and 6) Medical Radiologic Technology Board of Examiners.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

The Radiation Regulatory Hearing Board was established in 1964 to conduct hearings, review appeals of disciplinary orders and review and approve rules and substantive policy statements adopted by ARRA ([A.R.S. § 30-655](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/30/00655.htm)).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB2076:** advanced directives registry; provider access

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68536)

HEALTH: DPA 8-0-0-1

**Legend:**

SOS – Secretary of State

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the Secretary of State and the advanced directives registry.

**Provisions**

1. Requires by December 31, 2018 the SOS to establish a process in rule for health care providers to access the advanced directives registry. (Sec. 1)
2. MAKES TECHNICAL AND CONFORMING CHANGES. (Sec. 1) (Health)

**Current Law**

[A.R.S. § 36-3295](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/03295.htm) states that a health care provider may access the advanced directives registry and receive a patient's health care directive documents for the provision of health care services by submitting the patient's file number and password as maintained by the SOS. [A.R.S. § 36-3201](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/03201.htm) defines *health care directive* as a document drafted to deal with a person's future health care decisions.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB2194:** indoor tanning; minors; restricted use

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68689)

HEALTH: DP 7-1-0-1

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to indoor tanning and minors.

**Provisions**

1. Requires a person using a tanning facility to provide a photo ID proving they are at least eighteen years of age. (Sec. 1)
2. Prohibits operators or employees of a tanning facility from allowing a person under the age of eighteen to use a tanning device. (Sec. 1)
3. Requires a tanning facility to post signage stating that it is unlawful for operators or employees to allow a person under eighteen to use any tanning device. (Sec. 1)
4. Exempts personal use of a tanning device in an individual's private residence. (Sec. 1)
5. Requires a tanning facility to maintain a record of each customer who uses a tanning device for at least two years after their last use. (Sec. 1)
6. Requires the record maintained by a tanning facility to include:
   1. The age and name of the customer;
   2. The time and date of the customer's use of the tanning device;
   3. The customer's length of time using a tanning device; and
   4. Any known injury or illness resulting from the use of a tanning device. (Sec. 1)
7. Prohibits a tanning facility from claiming the use of a tanning device is safe, free from risk or has a medical benefit through advertisement or promotional materials. (Sec. 1)
8. Requires the act to be known as the "Skin Cancer Preventative Act of 2017." (Sec. 2)
9. Defines *tanning device*, *tanning facility* and *ultraviolet radiation*. (Sec. 1)

**Current Law**

Not currently addressed in statute.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2195:** medical board; licensure; disciplinary action

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68690)

Health: DPA 7-1-0-1

**Legend:**

Board – Arizona Medical Board

Director – Executive Director of the Arizona Medical Board

Subaccount – Arizona Medical Board Administrative Costs Reimbursement Subaccount

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the Arizona Medical Board.

**Provisions**

1. Modifies the definition of *unprofessional conduct* by:
2. Removing habitual intemperance relating to alcohol or substance abuse; and
3. Including a pattern of being under the influence or using alcohol or drugs while practicing medicine or impairing judgement and detrimentally affecting the practice of medicine. (Sec. 1)
4. Specifies that Board members are eligible for compensation for time spent in preparation for and attendance at Board meetings. (Sec. 2)
5. ~~Allows the Director, if a substantive policy is adopted pursuant to statute, to grant licenses, permits or registrations to individuals with potentially adverse information disclosed during the application process and requires the Director to report all such denied or accepted applications at the next Board meeting.~~ (*Health*) (Sec. 3)
6. ~~Establishes the Subaccount, exempts Subaccount monies from statute relating to legislative appropriation and continuously appropriates Subaccount monies. (Sec. 4)~~ (Health)
7. Eliminates the requirement that an individual applying for a medical license submit to the Board all hospital affiliations for the five years preceding an application.
8. **The Board is required to accept confirmation of medical employment from an employer of an applicant working at a hospital, medical group or organization.** (*Health* ) (Sec. 5)
9. Eliminates the requirement that hospitals must verify an applicant's previous hospital affiliations and submit them to the Board. (Sec. 5)
10. Specifies that medical employment includes all medical professional activities as it relates to an application for licensure. (Sec. 5)
11. Allows a doctor whose license has been suspended or revoked in Arizona to be eligible for licensure by endorsement. (Sec. 6)
12. Removes the requirement that an applicant for temporary licensure must have never had a license suspended, surrendered or revoked for disciplinary reasons or be the subject of an unresolved complaint. (Sec. 7)
13. Specifies that an applicant for temporary licensure must meet the statutory requirements relating to initial licensure. (Sec. 7)
14. Allows the Board to suspend a temporary license if an applicant does not notify the Board of any changes relating to the statutory requirements for a temporary license. (Sec. 7)
15. Allows the Board to withdraw an application for initial licensure and suspend, deny or revoke a temporary license if an applicant makes a misrepresentation of the required information to the Board. (Sec. 7)
16. Removes the requirement that the Board verify if an applicant for temporary licensure is the subject of an unresolved complaint in another state. (Sec. 7)
17. Requires an applicant for temporary licensure to submit all medical employment as required by statute to the Board. (Sec. 7)
18. Allows the Board to receive out of state information for an application for temporary licensure in writing or by way of another regulatory board's website and requires the confirmation of the ~~primary source~~ verification be provided by an electronic or hard copy. (Sec. 7) (Health)
19. ~~Allows the Board to charge a doctor the administrative costs and expenses of conducting a formal interview or hearing concerning an investigation of wrongdoing if it is determined that a rule or law was violated.~~

~~a. Requires any collected monies to be deposited in the Subaccount.~~ (Sec. 8) (Health)

1. Requires a doctor or physician's assistant who is guilty of *unprofessional conduct* relating to alcohol and substance abuse to enter into a consent agreement, rather than a stipulation order. (Sec. 9)
2. Includes an intensive outpatient treatment program as a type of program that a physician or physician's assistant may complete in order to reactivate a license that has been suspended because of a new offense after the expiration of a consent agreement or probationary order. (Sec. 9)
3. Allows any licensee who has a medical, psychiatric, psychological or behavioral health disorder to enter into a consent agreement with the respective board.
4. Applies to voluntary self-reporting and reporting by other entities. (Sec. 10)
5. Eliminates confidentiality as it relates to a consent agreement for participation in a treatment program. (Sec. 10)
6. Requires an applicant for reinstatement to comply with all licensing requirements, rather than only initial licensing requirements. (Sec. 11)
7. Makes technical and conforming changes. (Sec. 2, 4, 5, 7, 8, 9, 10)

**Current Law**

[A.R.S. § 32-1402](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01402.htm) establishes the 12-member Board and states that Board members are eligible for compensation in the amount of $250 per day of actual service. The Director is required to issue licenses, registrations and permits to applicants who meet statutory requirements ([A.R.S. §32-1405](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01405.htm)). Statute outlines what types of licenses and permits a medical doctor may obtain, which include: licensure by endorsement; temporary licensure; teaching licensure; and training and teaching permits.

[A.R.S. § 32-1451](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01451.htm) allows the Board to investigate any evidence indicating that a doctor is or may be medically incompetent or guilty of unprofessional conduct. The Board may assess the cost of formal hearings to a licensee who is found to be in violation of statute.

[A.R.S. § 32-1401](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01401.htm) outlines offenses which constitute unprofessional conduct which include, but are not limited to: violating state or federal law; committing a felony; failing to maintain adequate patient records; habitual intemperance in the use of alcohol or habitual substance abuse.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2197:** telemedicine; audio visual requirements

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68692)

Health: DP 8-0-0-1

**Legend:**

CMS – Centers for Medicare and Medicaid Services

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the Centers for Medicare and Medicaid Services' audio and video capability requirements for telemedicine.

**Provisions**

1. Removes CMS' audio and video capability requirements for real-time telemedicine health examinations performed by a physician prior to prescribing medication or a prescription-only device. (Sec. 1, 2)
2. Retains requirement that the examination be conducted during a real-time telemedicine encounter with audio and video capability. (Sec. 1, 2)

**Current Law**

A physician may only prescribe medication or a prescription-only device after a physical or mental health status examination, unless the physician has previously established a doctor-patient relationship. The required examination may be conducted during a real-time telemedicine encounter with audio and video capability if the telemedicine audio and video capability meets the elements required by CMS (A.R.S. §§ [32-1401](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01401.htm) and [32-1854](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01854.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2205:** DHS; commission; task force; repeal

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68700)

HEALTH: DP 7-0-1-1

**Legend:**

ADHS – Arizona Department of Health Services

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to ADHS and the repealing of advisory councils, task forces and commissions.

**Provisions**

1. Eliminates the Advisory Health Council and the Arizona Biomedical Research Commission. (Sec. 1, 2, 3, 4, 5, 6)
2. Repeals statute relating to the Prostate Cancer Task Force. (Sec. 3)
3. Makes technical and conforming changes. (Sec. 1, 2, 4, 5, 6)

**Current Law**

[A.R.S. § 36-109](http://www.azleg.gov/ars/36/00109.htm) establishes the 15-member Advisory Health Council which is tasked with advising ADHS and the Governor regarding the needs of the people of Arizona with respect to providing health services.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

[A.R.S. § 36-142](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/00142.htm) establishes the 17-member Prostate Cancer Task Force. Statute requires the Prostate Cancer Task Force to: meet quarterly; collect research and information; evaluate approaches used by governmental entities to increase public awareness; study ways to improve coordination amongst groups involved in research and treatment of prostate cancer; look at ways to increase research and funding; study avenues with which more men will be treated for prostate cancer; and identify areas in need of improvement. The Prostate Cancer Task Force ended on July 1, 2010.

[A.R.S. 36-272](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/00272.htm) establishes the 9-member Biomedical Research Commission within ADHS. Statute requires the Biomedical Research Commission to meet quarterly and advise ADHS on ways to advance research relating to: causes and diagnosis of diseases; the formulation of cures; and the development of treatment and prevention of diseases.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2308:** pharmacy board; logistics providers; permits

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68829)

Health: DP 8-0-0-1

**Legend:**

Board – Arizona Board of Pharmacy

Director – Director of the Board

Provider – Third-Party Logistics Provider

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to Third-Party Logistics Providers and the Arizona Board of Pharmacy.

**Provisions**

1. States that the Board must have free access to a Provider in order to enforce rules and ensure compliance. (Sec. 2, 7)
2. Requires the names of Providers, as well as a record of their licenses, permits and renewals to be included in the Board's annual report. (Sec. 3)
3. Requires the Board to provide biennial registration a Provider. (Sec. 4)
4. Permits the Board to issue a Provider permit. (Sec. 5)
5. Specifies that a Provider permit application must be accompanied by a fee of not more than $1,000. (Sec. 6)
6. Stipulates that a Provider engaging in the logistics services of dangerous drugs or devices must hold a Provider permit. (Sec. 7)
7. Stipulates that a Provider which houses and stores dangerous drugs or devices must hold a full-service wholesale permit. (Sec. 7)
8. States that a Provider must comply with storage practices, including:
9. Maintaining access to warehouse space to enable safe operations, including the quarantining of a suspect product;
10. Maintaining adequate security; and
11. Having written policies and procedures. (Sec. 7)
12. Requires storage policies and procedures to:
13. Address product oversight;
14. Identify, report and record thefts or losses;
15. Correct inventory errors and inaccuracies;
16. Arrange support for manufacturer recalls;
17. Prepare for and protect against a foreseeable crisis that affects the facility;
18. Ensure that an expired product is separated from other products and appropriate actions are taken;
19. Maintain the ability to trace the receipt and distribution of a product, supplies and records of inventory; and
20. Destroy or quarantine a suspect product if instructed to do so by the respective manufacturer, distributor, dispenser or a governmental agency. (Sec. 7

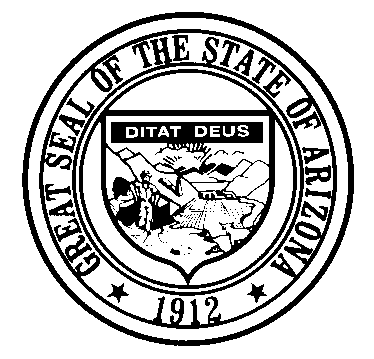
Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

1. Prohibits a Provider from having a designated representative who has been convicted of a felony relating to the distribution of dangerous drugs, devices or controlled substances. (Sec. 7)
2. Requires a Provider, upon request by the Board, to provide a list of all dispensers, wholesale distributors and manufacturers for whom the Provider provides services at a facility. (Sec. 7)
3. Requires a Provider's designated representative to possess a valid fingerprint clearance card.
4. States that if a designated representative is changed, then the new person must possess a valid fingerprint clearance card and submit the change to the Board before the new representative begins work. (Sec. 7)
5. Repeals statute relating to pedigrees and electronic files. (Sec. 9)
6. Broadens and relocates the definition of *Provider*. (Sec. 1, 8)

14. Makes technical and conforming changes. (Sec. 1, 3, 6, 8, 10, 11)

**Current Law**

[A.R.S. § 32-1981](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01981.htm) defines a Provider as a person who receives prescription-only drugs from the original manufacturer and delivers them at the direction of the manufacturer and does not purchase, sell, trade or take title to prescription-only drugs.

**ARIZONA HOUSE OF REPRESENTATIVES**

**HB 2066:** aggravated DUI; sentence; county jail.

**PRIME SPONSOR:** Representative Shope, LD 8

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68518)

JPS: DPA 9-0-0-0

**Abstract**

Relating to aggravated DUI sentencing.

**Provisions**

1. ~~Allows a person who is convicted of an aggravated DUI to serve the four-month minimum sentence in a county jail.~~ (*JPS*) (Sec. 1)
2. ~~Allows a person who is convicted of aggravated DUI and who has been convicted of three or more DUI offenses within the last seven years to serve the eight-month minimum sentence in a county jail~~. (*JPS*) (Sec. 1)
3. **Permits the county sheriff, with authorization from the board of supervisors, to establish a Program.** (*JPS*) (Sec. 1)
4. Expands a city, town or county's authority to establish medium security facilities for the confinement of DUI, extreme DUI or aggravated DUI offenders. (Sec. 2)
5. Authorizes ADOC to enter into an agreement with a county, city or town to incarcerate DUI, extreme DUI or aggravated DUI offenders in medium-security facilities. (Sec. 2)
6. **Allows the mandatory term of incarceration to be served in a county jail if a DUI offense occurs in a county that has established a Program and the offender is placed on probation.** (*JPS*) (Sec. 1)
7. Permits a judge to order DUI, extreme DUI or aggravated DUI offenders to serve their sentences in a minimum or medium security county facility. (Sec. 2)
8. Allows aggravated DUI offenders to serve their sentence in a city, town or county minimum security facility. (Sec. 2)
9. **Prohibits any person who is enrolled in a program from participating in early release, prisoner work, community restitution work, a home detention program, a continuous alcohol monitoring program or any other release programs.** (*JPS*) (Sec. 1)
10. **Requires the ACJC to submit an annual recidivism report, beginning January 1, 2018, to the Legislature comparing recidivism rates for offenders who serve their mandatory sentences in county jail and those who serve their mandatory sentences in prison.** (*JPS*) (Sec. 1)
11. Makes technical changes. (Sec. 1, 2)

**Legend:**

ACJC – Arizona Criminal Justice Commission

ADOC – Arizona Department of Corrections

DUI – driving or actual physical control while under the influence of liquor or drugs

Program – Aggravated Driving Under the Influence Jail Program

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Current Law**

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

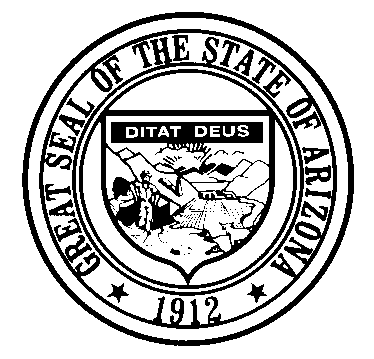
An aggravated DUI is a DUI or extreme DUI offense that is committed:

1. while driving on a suspended, canceled, revoked, refused or restricted license;
2. while the offender is required to have an ignition interlock device on the vehicle;
3. while a person under 15 years old is in the vehicle; or
4. after two or more previous DUI offenses or offenses in other jurisdictions that would have been considered a DUI offense in Arizona ([A.R.S. § 28-1383](http://www.azleg.gov/viewdocument/?docName=http%3A%2F%2Fwww.azleg.gov%2Fars%2F28%2F01383.htm)).

Any person convicted of an aggravated DUI must serve a minimum of four months in prison before becoming eligible for probation, pardon, commutation or suspension of sentence or release on any other basis ([A.R.S. § 28-1383](http://www.azleg.gov/viewdocument/?docName=http%3A%2F%2Fwww.azleg.gov%2Fars%2F28%2F01383.htm)).

Any person convicted of aggravated DUI and who has been convicted of three or more previous DUI violations within the lookback period of seven years must serve a minimum of eight months in prison before becoming eligible for probation, pardon, commutation or suspension of sentence or release on any other basis. ([A.R.S. § 28-1383](http://www.azleg.gov/viewdocument/?docName=http%3A%2F%2Fwww.azleg.gov%2Fars%2F28%2F01383.htm)).

A city, town or county may establish a minimum security facility for DUI or extreme DUI offenders. A judge may order any person convicted of DUI or extreme DUI to serve the sentence in a minimum security county facility if one has been established. The ADOC may also enter into an agreement with a county, city or town to incarcerate DUI and extreme DUI offenders in a minimum security facility ([A.R.S. § 28-1443](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/28/01443.htm)).

**ARIZONA HOUSE OF REPRESENTATIVES**

**HB 2200:** community notification; form of notice

**PRIME SPONSOR:** Representative Carter, LD 15

**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/68695)

JPS: DPA 9-0-0-0

**Legend:**

LEA – law enforcement agency

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to community notification of sex offenders.

**Provisions**

1. ~~Removes the requirement that community notification include a flyer for notifications made:~~

~~a) To the surrounding neighborhood, area schools, community groups and prospective employers; and~~

~~b) Through the press release given to local media for publication. (Sec. 1)~~

1. SPECIFIES THAT THE NOTIFICATION PROVIDED TO THE OFFENDER'S SURROUNDING NEIGHBORHOOD, AREA SCHOOLS, COMMUNITY GROUPS AND PROSPECTIVE EMPLOYERS BE DISSEMINATED IN A NON-ELECTRONIC FORMAT. (SEC 1) *(JPS)*
2. PERMITS AN LEA TO ESTABLISH AN ELECTRONIC NOTIFICATION PROCESS.
   1. A PERSON WOULD HAVE TO AFFIRMATIVELY CHOOSE TO RECEIVE NOTIFICATION THROUGH THE ELECTRONIC PROCESS FOR THE LEA TO NO LONGER PROVIDE THE NON-ELECTRONIC NOTIFICATION. (SEC 1) *(JPS)*
3. ALLOWS AN LEA TO PROVIDE ELECTRONIC NOTIFICATION IN ADDITION TO NON-ELECTRONIC NOTIFICATION. (SEC 1) *(JPS)*
4. Retains the requirement that notification include the offender's photograph, exact address and a summary of the offender's status and criminal background. (Sec. 1)

**Current Law**

A.R.S. Title 13, Chapter 38, Article 3 governs the registration and community notification for sex offenders in Arizona. [A.R.S. § 13-3821](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/03821.htm&Title=13&DocType=ARS) outlines who must register as a sex offender and prescribes requirements for registration.

Separate from the act of registering as a sex offender, specific offenders are also subject to community notification as outlined in [A.R.S. § 13-3826](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/03825.htm&Title=13&DocType=ARS). Community notification was added to Arizona statutes in 1996 through the enactment of “Megan’s Law.” Community notification was originally applied prospectively to offenders convicted after June 1, 1996. In 2004, the Legislature enacted SB 1291, which applied community notification to all registered sex offenders, regardless of when the offender was convicted [(Laws 2004, Ch. 308)](http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=SB1291&Session_ID=79).

To conduct community notification, first the offender is screened using a 19-point risk assessment, which results in a numerical score. The score determines if the offender will be categorized as a Level 1, Level 2 or Level 3 risk to the community. Offenders given a Level 2 or Level 3 designation are subject to community notification and are included on the sex offender website pursuant to [A.R.S. § 13-3827](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/03827.htm&Title=13&DocType=ARS).

SB 1291 [(Laws 2004, Ch. 308)](http://www.azleg.gov/DocumentsForBill.asp?Bill_Number=SB1291&Session_ID=79) made conducting the risk assessment on offenders convicted before June 1, 1996 permissive, allowing the agency with custody or supervision responsibility to conduct the risk assessment. The statute states that community notification cannot be conducted until after a risk assessment has been completed on the offender.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2220:** electronic files; access; official record

**PRIME SPONSOR:** Representative Bowers, LD 25

**BILL STATUS:** [Caucus / COW](https://apps.azleg.gov/BillStatus/BillOverview/68736)

JPS : DPA 8-1-0-0

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relates to court records.

**Provisions**

1. Prohibits the courts from providing only paper transcripts of proceedings if an electronic or audible recording is available. (Sec. 1)
2. Requires the court to provide electronic access and filing privileges to clients and pro se litigants if they have been made available to attorneys. (Sec. 2)
3. **INCLUDES A DELAYED EFFECTIVE DATE OF JANUARY 1, 2018.** (JPS)(Sec. 3)

**Current Law**

[A.R.S. § 12-284.02](http://www.azleg.gov/viewdocument/?docName=http%3A%2F%2Fwww.azleg.gov%2Fars%2F12%2F00284-02.htm) states that the presiding judge may provide for the electronic filing of documents, but does not specify who is granted access.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**Additional Information**

Arizona Code of Judicial Administration, [Part 1, Chapter 6, Section 1-602 (D)(4)(b)](http://www.azcourts.gov/Portals/0/admcode/pdfcurrentcode/1-602_Amend_2013.pdf) states when a certified reporter records a proceeding in superior court that is simultaneously recorded by electronic recording equipment, the court reporter's record shall be the official record.

Dictionary of Legal Terms defines a *pro se* as one who appears on his own behalf without the aid of legal counsel.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2238:** sex trafficking; violation

**PRIME SPONSOR:** Representative Farnsworth E, LD 12

**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/68753)

JPS: DPA/SE 9-0-0-0

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Strike-Everything Amendment Abstract**

Relating to the consolidation of child sex trafficking and child prostitution statutes.

**Provisions**

1. Transfers the provisions of [A.R.S. § 13-1307](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/01307.htm) (Sex Trafficking) that are related to minor victims into the current [A.R.S. § 13-3212](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/03212.htm) (Child Prostitution).
   1. Specifies that enticing, recruiting, harboring, making a minor available to another person or otherwise obtaining a minor with either: the intent to cause the minor to engage, or with the knowledge that the minor will engage in any act prohibited under the following sections is child sex trafficking:
      1. Sexual abuse [(A.R.S. § 13-1404 )](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/01404.htm);
      2. Sexual conduct with a minor [(A.R.S. § 13-1405 )](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/01405.htm);
      3. Sexual assault [(A.R.S. § 13-1406)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/01406.htm); or
      4. Molestation of a child [(A.R.S. § 13-1410)](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/01410.htm). (Sec 6, 10)
2. Renames [A.R.S. § 13-3212](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/03212.htm) "Child Sex Trafficking." (Sec 10)
3. Makes a person convicted of any of the transferred offenses eligible for lifetime probation instead of a specified term of probation.
   1. The term of probation would be seven years for a Class 2 felony [(A.R.S. § 13-902).](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/00902.htm) (Sec 5, 6)
4. Includes the transferred offenses in the definition of "abuse" contained in [A.R.S. Title 8, Chapter 2](http://www.azleg.gov/arsDetail/?title=8). (Sec 1, 6)
5. Makes technical and conforming changes. (Sec 1-16)

**Current Law**

[A.R.S. § 13-3212](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/03212.htm) contains offenses related to child prostitution. The penalty for child prostitution ranges from a Class 6 felony to a Class 2 felony, depending on the nature of the offense and the age of the victim. Several of the offenses included in the section also have an enhanced sentence if the victim is 15, 16 or 17 years old. If the victim is under 15 years old, the offense is designated as a "dangerous crime against children" which carries an enhanced sentence under [A.R.S. § 13-705](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/00705.htm).

[A.R.S. § 13-1307](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/01307.htm) contains offenses related to sex trafficking. The section is organized by offenses related to trafficking an adult and offenses related to trafficking a minor. It is a Class 2 felony for a person to traffic another person under 18 years old with the intent to cause the minor to, or the knowledge that the minor will, engage in prostitution or engage in sexually explicit performance. If the victim is under 15 years old, the offense is designated as a "dangerous crime against children" which carries an enhanced sentence under [A.R.S. § 13-705](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/00705.htm).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2239:** incompetent, nonrestorable defendants; involuntary commitment

**PRIME SPONSOR:** Representative Farnsworth E, LD 12

**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/68754)

JPS: DPA 9-0-0-0

**Legend:**

ASH – Arizona state hospital

RHBA – Regional Behavioral Health Authority

SVP – sexually violent person

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the evaluation of incompetent defendants.

**Provisions**

***Incompetent Defendants***

1. Permits the use of any statement by a defendant during an examination or evidence resulting from a statement by any party in a hearing to determine if the defendant is eligible for court-ordered treatment or is an SVP. (Sec 4)
2. Allows reports that are otherwise sealed at the conclusion of the case to be ordered open by the court for purposes of a hearing to determine if the defendant is eligible for court-ordered treatment or is an SVP. (Sec 4)
3. Allows the court to order the prosecutor to file a petition for evaluation and provide criminal history for the defendant if the defendant is remanded to the custody of an evaluating agency for civil commitment proceedings. (Sec 6)
4. Provides that if the court enters an order related to commitment or the appointment of a guardian, the court may also order an assessment of the defendant’s eligibility for private insurance or public benefits that may be applied to the cost of the defendant’s medically necessary care. (Sec 6)
5. States that the court may retain jurisdiction over the defendant until the defendant is civilly committed or a guardian is appointed. (Sec 6)
6. Provides that if the defendant is remanded for civil commitment proceedings and the court is notified that the evaluation is not completed, the court must order the sheriff to take the defendant into custody to determine if either a guardian should be appointed or the charges should be dismissed without prejudice. (Sec 6)
7. Expands the A.R.S. Title 13, Chapter 41 (Incompetence to Stand Trial) definition of a *mental health expert* to include a licensed physician or psychologist who is familiar with criminal and involuntary commitment statutes. (Sec 1)

***Sexually Violent Persons (SVP)***

1. ~~Permits the court to order a screening of a defendant to determine if the defendant is a SVP if:~~
   1. ~~The defendant is charged with a sexually violent offense;~~

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

* 1. ~~The county attorney requests a screening; and~~
  + ~~The person is being evaluated to determine competency to stand trial. (Sec 2)~~ *(JPS)*

1. ~~States that if the defendant is determined to be not restorable to competency within 21 months, the expert must determine if the defendant may be an SVP. (Sec 3)~~ *(JPS)*
2. ~~Requires the report to include the following information if the expert determines the defendant incompetent to stand trial:~~
   * ~~The nature of the mental health disorder, disease or defect or of any personality or other disorder that makes the defendant likely to be an SVP; and~~
   * ~~Whether the defendant may be an SVP, if the prognosis includes a determination that there is no substantial probability that the defendant will regain competency within 21 months of the original finding of incompetency. (Sec 5)~~ *(JPS)*
3. **ALLOWS THE COUNTY ATTORNEY TO REQUEST SCREENING FOR AN INCOMPETENT DEFENDANT WHO MAY BE AN SVP IF:**
   * **THERE IS NO SUBSTANTIAL PROBABILITY THAT THE DEFENDANT WILL REGAIN COMPETENCY WITHIN 21 MONTHS, AND**
   * **THE DEFENDANT IS CHARGED WITH A** [**SEXUALLY VIOLENT OFFENSE**](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/03701.htm)**.** *(JPS)*
4. **STATE THAT IF THE SCREENING IS ORDERED BY THE COURT:**
   * **THE COURT MUST APPOINT A** [**COMPETENT PROFESSIONAL**](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/03701.htm) **TO CONDUCT THE SCREENING AND SUBMIT A REPORT TO THE COURT, AND**
   * **THE CASE CANNOT BE DISMISSED UNTIL THE REPORT IS PROVIDED TO THE COURT AND EITHER:**
     + **A HEARING IS HELD, OR**
     + **THE COUNTY ATTORNEY FILES AN SVP PETITION.** *(JPS)*
5. **PERMITS THE COURT TO HOLD A HEARING TO DETERMINE IF THE COUNTY ATTORNEY WILL FILE AN SVP PETITION.** 
   * **OUTLINES OPTIONS FOR THE COURT.** *(JPS)*
6. Requires a mental health expert who has determined that a defendant may be an SVP to provide the report to the prosecuting agency for purposes of filing a petition for commitment. (Sec 6)
7. Expands the definition of an *agency* in A.R.S. Title 36, Chapter 37 relating to SVPs to include other mental health treatment agencies in addition to ASH. (Sec 21)

***Court-Ordered Treatment/Civil Commitment***

Evaluation of a Person Incompetent to Stand Trial

1. States that a prescreening is not necessary if a petition for court-ordered evaluation is filed by a prosecutor on a finding that the defendant is incompetent to stand trial. (Sec 8)
2. Requires a petition for evaluation filed by a prosecutor to include any known *criminal history*, including whether the proposed patient has ever been found incompetent to stand trial. (Sec 9)
3. States that if the person is determined to not need an evaluation, the person must be remanded for disposition. If the person is out of custody, the court may order the person be taken into custody for disposition. (Sec 9)
4. Requires the court and prosecuting agency to receive notice of the expiration of an order for evaluation. (Sec 10)
5. Permits the court to enter orders for further disposition, including orders that the person be taken into custody. (Sec 10)
6. Provides that if the evaluation order expires, it does not prevent another person from initiating another evaluation of the person. (Sec 10)
7. Requires the medical director of an evaluation agency to provide notice within 24 hours to the court and the prosecuting agency of the intent to release a person if further evaluation is not appropriate in the opinion of the medical director.
   * The person must be detained for an additional 24 hours to allow for required notices.
   * The medical director must provide patient records to the court and prosecuting agency. (Sec 11)
8. Requires a petition for court-ordered treatment filed by a prosecutor to include known *criminal history* and any previous findings of incompetency. (Sec 12)

Court-Ordered Treatment

1. Provides that if a patient is admitted for voluntary treatment or before a patient is discharged, the medical director must notify the prosecuting agency at least 24 hours before release or discharge.
   * The evaluation agency must detain the person for an additional 24 hours to provide for notice.
   * The prosecuting agency may request a hearing to determine if the person should be returned to custody for a disposition.
   * The court must order the medical director to provide patient records to the court and the prosecuting agency. (Sec 13)
2. Allows the court to order a medical director to provide notice to the court of any noncompliance with the terms of a treatment order, if the person is subject to court-ordered treatment. (Sec 14)
3. Permits the court on its own motion to determine that a patient is not complying with the terms of an outpatient treatment order. Current law provides this option on motion by the medical director of the patient’s outpatient treatment facility. (Sec 14)
4. Permits the court, on its own motion or at the request of the medical director, to authorize and direct a peace officer to take a patient into protective custody and transport the patient for inpatient treatment, if a patient refuses to comply with an amended order for inpatient treatment.
   * An amended order arises from a situation where the court determines that the patient is not complying with the terms of the outpatient treatment order and may include ordering the patient to inpatient treatment. (Sec 14)
5. States that an order, authorization or directive to a peace officer must include:
   1. The patient’s *criminal history*; and
   2. The name and phone numbers of the patient’s:
      1. Case manager;
      2. Guardian;
      3. Spouse;
      4. Next of kin; or
      5. Significant other, as applicable. (Sec 14)
6. Provides that if the court does not find a person to be in need of court-ordered treatment, the ~~court~~ **EVALUATING AGENCY** must notify the prosecuting agency within 24 hours of its finding. *(JPS)*
   * The court must order the medical director to detain the person for an additional 24 hours for notice to the prosecuting agency.
   * The court may remand the person to the sheriff’s custody for disposition (if the court has retained jurisdiction). (Sec 14)
7. Permits the prosecuting agency to provide information contained in a patient's *criminal history* that may be relevant for protecting the patient and the public, for purposes of preparing the patient's outpatient treatment plan. (Sec 15)
8. Provides that the outpatient treatment plan must include any provisions that the medical director or court believe are necessary to protect the well-being of the patient and the public. (Sec 15)
9. Allows the court to order that the medical director provide notice to the court of specific instances of noncompliance, as specified by the court. (Sec 15)
10. Requires copies of any subsequent order and amended outpatient treatment plan to be provided to the prosecutor. (Sec 15)
11. States that if the medical director rescinds an order for conditional outpatient treatment and orders the patient to return to a mental health treatment agency, the medical director must provide notice to the court and the prosecuting agency. (Sec 15)
12. Requires the medical director to provide notice to the court before releasing a person who was found to be a danger to others for outpatient treatment. Also includes notice to the prosecuting agency, if a prosecutor filed the petition for court-ordered treatment. (Sec 15)
13. Prohibits the release of a person subject to court-ordered treatment who was found incompetent to stand trial prior to the expiration of the treatment period ordered by the court, unless notice is provided by the medical director. (Sec 16)
14. Provides that if a patient is undergoing court-ordered treatment pursuant to a petition filed by a prosecuting agency, the medical director must notify the court and the prosecuting agency if the civil commitment order expires, is terminated or if the patient is discharged to outpatient treatment.
    * This notice is not required for amended orders resulting from a patient's need for acute or emergency care during the court-ordered treatment. (Sec 16)
15. Extends pre-release and pre-discharge notice provisions to victims, relatives and other persons for patients who are subject to court-ordered treatment and who have been found incompetent to stand trial. (Sec 16)
16. Requires the court to order the medical director to provide patient records to the court and prosecuting agency if a hearing is held to determine if the standard for release of the patient has been met. (Sec 16)
17. States that a patient subject to court-ordered treatment is not discharged at the end of the treatment period if an application for continued court-ordered treatment is granted. (Sec 17)
18. Requires a patient to comply with the discharge statute requirements prior to discharge, if the discharge is the result of the medical director deciding not to file a new petition for court-ordered evaluation, court-ordered treatment or a continuation of the previous court-ordered treatment. (Sec 17)
19. Relieves the treatment agency from civil liability for any acts committed by a released patient if the treatment agency followed the requirements and process outlined in law in good faith. (Sec 17, 18)
20. States that the evaluation or treatment agency may apply to the court for a warrant or court order to take a patient who is absent from evaluation or treatment into custody to bring the patient back to the agency. (Sec 19)
21. Defines *criminal history* and *prosecuting agency.* (Sec 7)

Absence from Court-Ordered Treatment

1. Tolls the period of court-ordered treatment during the unauthorized absence of a patient. (Sec 19)
2. Requires the treatment agency to file a notice with the court within 5 days of a patient's unauthorized absence to request that the treatment order be tolled. (Sec 19)
3. Outlines notice requirements if the court tolls the period of treatment. (Sec 19)
4. Requires the agency to notify the court of the date that the patient returns.
   * On notice, the court must issue an order providing the time period that was tolled. (Sec 19)
5. Permits a patient whose treatment is tolled for at least 60 days to request judicial review on return to treatment. (Sec 19)
6. Requires the treatment agency to use information and other resources to facilitate efforts to locate and return the patient to treatment. The agency must file a report **THAT SPECIFIES THE INFORMATION AND RESOURCES USED TO FACILITATE** its efforts at least once every 60 days or as often as ordered by the court. (Sec 19) *(JPS)*
7. Permits the court to terminate the treatment order after 180 days of tolling, if specific conditions are met and notice is provided to the prosecuting agency. (Sec 19)
8. Prohibits tolling court-ordered treatment for more than 365 days. (Sec 19)
9. Relieves the treatment agency from liability for any damages that result from the action of a patient during a court-ordered tolling period if the treatment agency followed the requirements and process outlined in law in good faith. (Sec 19)
10. Defines *absent without proper authorization* and *unauthorized absence.* (Sec 19)

***Miscellaneous***

1. Makes technical and conforming changes. (Sec 3, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20)
2. **MAKES CLARIFYING CHANGES** *(JPS)*

**Current Law**

[A.R.S. Title 13, Chapter 41](http://www.azleg.gov/arsDetail/?title=13) outlines the process for determining that a defendant is incompetent to stand trial. [A.R.S. § 13-4501](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/13/04501.htm) defines *incompetent to stand trial* as a defendant who*,* as a result of a mental illness, defect or disability, is unable to understand the nature and object of the proceeding or to assist the defense. The presence of a mental illness, defect or disability alone is not grounds for finding a defendant incompetent to stand trial. This determination is different from finding a defendant *guilty except insane.*

If the court finds a defendant incompetent to stand trial and finds that there is no substantial probability that the defendant will regain competency within 21 months of the finding, a party may request that the court:

* Remand the defendant to the custody of ADHS for civil commitment proceedings under [A.R.S. Title 36, Chapter 5](http://www.azleg.gov/arsDetail/?title=36);
* Appoint a guardian; or
* Release the defendant from custody and dismiss the charges without prejudice.

[A.R.S. Title 36, Chapter 5, Articles 4 and 5](http://www.azleg.gov/arsDetail/?title=36) outline the process for evaluating a person and seeking civil commitment for purposes of court-ordered mental health treatment. Under [A.R.S. § 36-520](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/36/00520.htm), any responsible person can apply for a court-ordered evaluation of a person who is alleged to be:

* A danger to self or to others; or
* A person with a persistent or acute disability or grave disability; and who
* Is unwilling or unable to undergo a voluntary evaluation.

The application is provided to a screening agency, which must provide a pre-petition screening within 48 hours. From the pre-petition screening, the agency completes a report of opinions and conclusions. If the report indicates that there is reasonable cause to believe the patient meets the criteria above, the agency is required to file a petition for a court-ordered evaluation of the person. If after evaluation, the court finds by clear and convincing evidence that the patient meets the criteria above, the court must order the patient in to one of the following:

* Outpatient treatment;
* Combined inpatient and outpatient treatment; or
* Inpatient treatment in a mental health treatment agency or in a hospital.

The court must consider all available and appropriate alternatives for treatment and patient care and must order the least restrictive treatment alternative available.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HCM 2001:** urging Congress; ninth circuit; division

**PRIME SPONSOR:** Representative Farnsworth E, LD 14

**BILL STATUS:** [Caucus & COW](https://apps.azleg.gov/BillStatus/BillOverview/67251)

JPS: DP 6-3-0-0

**Legend:**

Congress – The United States Congress

Ninth Circuit - United States Court of Appeals for the Ninth Circuit

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Urging the division of the [Ninth Circuit](http://www.ca9.uscourts.gov/).

**Provisions**

1. Asks Congress to enact [H.R.250](https://www.congress.gov/bill/115th-congress/house-bill/250/text) to divide the Ninth Circuit into two circuits.
2. Requires the Secretary of State to transmit a copy of the memorial to:
3. The President of the United States Senate;
4. The Speaker of the United States House of Representatives; and
5. Each member of Congress from Arizona.

**Additional Information**

[Article III](https://www.archives.gov/founding-docs/constitution-transcript) of the United States Constitution establishes the judicial system and grants Congress the authority to ordain and establish federal courts. The Ninth Circuit serves Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, the Commonwealth of the Northern Mariana Islands and Guam.

[H.R.250](https://www.congress.gov/bill/115th-congress/house-bill/250/text) was introduced on January 4, 2017. It divides the Ninth Circuit into:

* A new Ninth Circuit, composed of California, Hawaii, Oregon, Washington, Guam and the Northern Mariana Islands; and
* A newly established Twelfth Circuit, composed of Alaska, Arizona, Idaho, Montana and Nevada.

H.R. 250 also designates locations for the new circuits and distributes current judges of the Ninth Circuit to the new circuits.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2112:** multi-county water district; directors; elections

**PRIME SPONSOR:** Representative Finchem, LD 11

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68586)

LARA: DP (5-2-0-1)

**Legend:**

CAP – Central Arizona Project

CAWCD – Central Arizona Water Conservation District

Board – Board of Directors

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to CAWCD elections.

**Provisions**

1. Requires the party designation of a candidate for the CAWCD Board to be included on the general election ballot. (Sec. 2)
2. Prohibits a CAWCD employee or their spouse from serving as a Board member. (Sec. 1)
3. Makes technical changes. (Sec. 1)

**Current Law**

The CAWCD is a special taxing district formed for the purposes of contracting with the U.S. Secretary of the Interior for the delivery of CAP water, repayment of CAP costs, and operation and maintenance of the CAP aqueduct ([A.R.S. § 48-3703](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/48/03703.htm)).

The CAWCD is administered by a 15-member Board elected from CAP's three-county service area of Maricopa, Pima and Pinal counties. Board members serve staggered six-year terms ([A.R.S. § 48-3708](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/48/03701.htm)).

The names of candidates for election to the CAWCD Board is included on the general election ballot of the county in which the candidate resides *without* party designation ([A.R.S. § 48-3709](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/48/03709.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2225:** forestry waste; permits

**PRIME SPONSOR:** Representative Finchem, LD 11

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68746)

LARA: DP (5-2-0-1)

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to forestry waste permits.

**Provisions**

1. Allows the State Forester to:
2. issue a permit to any person to clear forestry waste in nonfederal forested lands to protect against wildfires; and
3. establish an application process and fee in rule to obtain a permit. (Sec. 1)
4. Defines *forestry waste*. (Sec. 1)

**Current Law**

The State Forester has authority to prevent and suppress wildfires on state and private lands located outside incorporated municipalities without a cooperative agreement on the determination that suppression services are in the state's best interests and are immediately necessary to protect state lands ([A.R.S. 37-1303](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/37/01303.htm)). *State lands* means any land owned or held in trust, or otherwise, by the state, including leased school or university land ([A.R.S. 37-101](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/37/00101.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2253:** state veterinarian; animal identification; appropriation

**PRIME SPONSOR:** Representative Cook, LD 8

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68770)

LARA: DPA (5-2-0-1)

**Legend:**

ADA – Arizona Department of Agriculture

ADT – Animal Disease Traceability

APHIS – Animal and Plant Health Inspection Service of the U.S. Department of Agriculture

FTE – Full Time Equivalent

ICIV – Interstate Certificate of Veterinary Inspection

NAIS – National Animal Identification System

USDA – U.S. Department of Agriculture

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to appropriations and animal identification information.

**Provisions**

1. Appropriates the following monies to ADA from the state GF in FY 2018:
   * $217,976 and 4 FTE positions for the state veterinarian; and
   * **$150,000 AND 3 FTE POSITIONS FOR THE PLANT SERVICES DIVISION**. (*EENR*) (Sec. 2)
2. Exempts the appropriations from lapsing. (Sec. 2)
3. Prohibits the ADA Director from submitting any premises registration data, animal identification data, animal tracking information or other animal information to the federal government unless:
4. the submission is required by law; or
5. authorized by a voluntary participant in NAIS. (Sec. 1)

**Current Law**

NAIS, a voluntary program proposed by USDA but never fully implemented, asked producers to register their premises and identify their animals using a national animal tracking database.

The ADA Director may cooperate with APHIS in the control of contagious or infectious diseases of animals and poultry and NAIS. However, the collection of premises registration, animal identification and tracking data by the ADA Director from voluntary participants in accordance with NAIS are not subject to public record disclosure ([A.R.S. § 3-1207](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/3/01207.htm)).

On March 11, 2013, the USDA [final ADT rule](https://www.aphis.usda.gov/newsroom/2012/12/pdf/traceability_final_rule.pdf) became effective and establishes minimum national official identification and documentation requirements for the traceability of livestock moving interstate. ADT applies to cattle and bison, sheep and goats, swine, horses and other equines, captive cervids (e.g. deer and elk) and poultry. Interstate movement of the covered animals, unless exempt, requires official identification accompanied by an ICIV or other movement document.

The Plant Services Division is responsible for safeguarding agriculture, food and the environment from the risks associated with the entry, establishment and spread of plant pests, diseases and noxious weeds.

**Additional Information**

The ADA [FY 2018 budget](http://www.azleg.gov/jlbc/18baseline/agr.pdf) includes $10,158,700 and 194.4 FTE positions.

JLBC has prepared a [Fiscal Note](https://apps.azleg.gov/BillStatus/GetDocumentPdf/446627) for the bill as amended by LARA.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2204:** native American veterans; tax settlement

**PRIME SPONSOR:** Representative Shope, LD 8

**BILL STATUS:** [Caucus and Cow](https://apps.azleg.gov/BillStatus/BillOverview/68699)

MVRA: DP (9-0-0-0)

**Legend:**

VITSF- Veterans' Income Tax Settlement Fund

GF- General Fund

ADVS- Arizona Department of Veterans Services

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to the Veterans' Income Tax Settlement Fund.

**Provisions**

1. Changes the year that monies from the VITSF revert back to the GF from July 1, 2019 to July 1, 2021. (Sec. 1)
2. Makes the Arizona state income tax that is withheld from the veterans' active duty military pay retroactive to July 1, 1977 instead of September 1, 1993. (Sec. 2)
3. Changes the date ADVS ceases to take claims from December 31, 2017 to December 31, 2019. (Sec. 2)
4. Changes the VITSF annual reporting year from 2017 to 2019. (Sec. 3)
5. Modifies the repeal date for Laws 2016, Chapter 125 relating to VITSF from December 31, 2019 to December 31, 2021. (Sec. 4)
6. Makes technical changes. (Sec. 1,3,4)

**Current Law**

Not currently addressed in statute.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

**Additional Information**

Laws 2016, Chapter 125 Section 21 established the VITSF from funds appropriated by the legislature and other monies donated or accruing in the fund. The Department of Revenue administers the VITSF and the State Treasurer must invest and divest monies in the VITSF. Any monies earned from investment must be credited to the VITSF.

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2271:** occupational licensing; military members

**PRIME SPONSOR:** Representative Syms, LD 28

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68788)

MVRA: DP (9-0-0-0)

**Legend:**

ADVS – Arizona Department of Veteran Services

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to licenses, certifications and registration for military members.

**Provisions**

1. Makes the education, training or experience requirements for a professional license, certificate or registration completely or partially satisfied as determined by the regulating entity, if an applicant received these requirements as a member of the U.S. Armed Forces, National Guard or any other reserve component. (Sec. 2)
2. Specifies an applicant must present satisfactory evidence that they received substantially equivalent education, training or experience as a member of the U.S. Armed Forces, National Guard or any other reserve component. (Sec. 2)
3. Requires the regulating entity to work in conjunction with ADVS to access information regarding the applicant's military education, training or experience. (Sec. 2)
4. Exempts each regulating entity, under the statute relating to professions and occupations, from rulemaking for one year after the effective date of this act. (Sec. 3)
5. Makes conforming changes. (Sec. 1)

**Current Law**

Currently, a board is required to issue a license to an applicant wanting to pursue a profession as a practical nurse who does not meet the requirements to graduate from a board approved program.

The applicant must meet certain requirements that include:

1. Completing a military program of basic medical training;
2. Was awarded a military occupational specialty;
3. Performed in that occupational specialty at a level that is substantially equivalent to the academic requirements for a license to practice as a practical nurse or completed any clinical education equivalency or bridge courses determined by the board to be necessary to obtain equivalency. ([A.R.S. § 32-1639.03](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/32/01639-03.htm))

The requirement to take the driving test for a class A, B or C license may be waived if the original applicant is on active duty in the U.S. Armed Forces or has separated from the U.S. Armed Forces under honorable conditions. The original applicant must certify that during the two-year period immediately before application all of the following apply:

* 1. The applicant has not had more than one driver's license, other than a military license;
  2. The applicant has not had any driver's license suspended, revoked or canceled;

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

1. The applicant has not been convicted of an offense committed while operating any type of motor vehicle that would subject the applicant to mandatory disqualification; and
2. The applicant has not been found responsible for or guilty of a moving traffic violation that results in a motor vehicle accident and has no record of a motor vehicle accident in which the applicant is at fault. ([A.R.S. § 28-3229](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/28/03229.htm))

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB2324:** VLT; registration; exemptions; purple heart

**PRIME SPONSOR:** Representative Grantham, LD 12

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/67406)

TI: DP (8-0-0-0)

**Legend:**

VLT– Vehicle License Tax

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to vehicle license tax exemptions.

**Provisions**

1. Exempts purple heart medal recipients from the requirement to pay VLT or registration fee. (Sec. 1)
2. Exempts the surviving spouse of a purple heart recipient from paying VLT or registration fee until the surviving spouse is remarried or deceased. (Sec. 1)
3. Stipulates purple heart recipients or surviving spouses are required to submit satisfactory proof of purple heart medal receipt upon initial registration of a vehicle. (Sec. 1)
4. Makes technical and conforming changes. (Sec. 1)

**Current Law**

VLT and registration fees may not be collected from a veteran's vehicle or replacement vehicle if the vehicle was acquired by financial aid from the U.S. Department of Veteran's Affairs. Statute currently prohibits the collection of VLT or registration fees from veterans or the spouses of veterans designated as having 100% disability by the U.S. Department of Veteran's Affairs ([A.R.S. 28-5802](http://www.azleg.gov/ars/28/05802.htm)).

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2014:** legal tender exchange; tax effect

**PRIME SPONSOR:** Representative Finchem, LD 11

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68430)

WM: DP 5-0-0-4

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to income tax deductions.

**Provisions**

1. Allows a tax deduction for net capital gains received, after December 31, 2017, from the exchange of one kind of legal tender for another. (Sec. 2, 4)
2. Requires any capital loss derived from the exchange of legal tender, after December 31, 2017, to be added to a taxpayer's Arizona Gross Income. (Sec. 1, 3)
3. Defines legal tender as a medium of exchange, including specie, that is authorized by the United States Constitution or Congress for the payment of debts, public charges, taxes and dues. (Section 1, 2, 3, 4)
4. Defines specie as coins having precious metal content. (Sec. 1, 2, 3, 4)
5. Makes technical changes. (Sec. 1, 3)

**Current Law**

[A.R.S. § 43-1001](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/43/01001.htm) states that Arizona Gross Income is equal to the Federal Adjusted Gross Income for the taxable year and Arizona Adjusted Gross Income is an individual's Arizona Gross Income modified by any statutory additions or subtractions.

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2214:** income tax subtraction; ADA retrofits

**PRIME SPONSOR:** Representative Leach, LD 11

**BILL STATUS:** [Caucus and Cow](https://apps.azleg.gov/BillStatus/BillOverview/68716)

**Legend:**

ADA – Americans with Disabilities Act

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

WM: DPA 9-0-0-0

**Abstract**

Relating to Arizona gross income adjustments for ADA compliance.

**Provisions**

1. Allows for income and corporate tax deductions for eligible business access expenditures incurred to comply with ADA regulations by retrofitting real property that was originally placed at least ten years before the current taxable year and includes costs for the following:
   1. modifications that removed any barriers that prevented accessibility for individuals with disabilities;
   2. any interpreters or materials provided to hearing impaired individuals; and
   3. **any effective methods of making visually delivered materials available to individuals with visual impairment;** (*WM*)
   4. any modified equipment or devices acquired for individuals with disabilities;
   5. **any similar services, modifications, materials or equipment.** (Sec. 2,3,5,6) (*WM*)
2. Prohibits a taxpayer from claiming the deduction if previously cited for noncompliance with ADA. (Sec. 3,6)
3. States that if a Federal income or corporate tax deduction has been taken for compliance with ADA, the amounts deducted must be added to Arizona gross income. (Sec. 1,4)

**Current Law**

Prop 105 (45 votes)  Prop 108 (40 votes)  Emergency (40 votes)  Fiscal Note

[A.R.S. § 43-1001](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/43/01001.htm) states that Arizona Gross Income is equal to the Federal Adjusted Gross Income for the taxable year and Arizona Adjusted Gross Income is an individual's Arizona Gross Income modified by any statutory additions or subtractions.

[U.S.C. § 42-12101](http://www.hivlawandpolicy.org/sites/www.hivlawandpolicy.org/files/ADA%20Text.pdf) or the ADA of 1990 provides a clear national mandate for the elimination of discrimination against individuals with disabilities and provide clear, strong, consistent, and enforceable standards addressing discrimination against individuals with disabilities.

**Additional Information**

JLBC has prepared a [fiscal note](https://apps.azleg.gov/BillStatus/GetDocumentPdf/446180).

# State SealARIZONA HOUSE OF REPRESENTATIVES

**HB 2325:** property tax assessment of greenhouses

**PRIME SPONSOR:** Representative Ugenti-Rita, LD 23

**BILL STATUS:** [Caucus and COW](https://apps.azleg.gov/BillStatus/BillOverview/68877)

WM: DPA 8-1-0-0

**Legend:**

Amendments – **BOLD** and ~~Stricken~~ (*Committee*)

**Abstract**

Relating to property tax assessment of greenhouses.

**Provisions**

1. Specifies that a greenhouse is valued and assessed as ~~agricultural~~ *(WM)* tangible personal property if the greenhouse:
   * ~~is at least 100,000 square feet in area~~ *(WM);*
   * is designed to be mobile and disassembled;
   * can be reconstructed and reused after removal; and
   * is used for growing and processing vegetables, fruits or citrus. (Sec. 1)
2. Defines *greenhouse* as property that comprises or creates an environment where humidity, temperature, irrigation and contamination are precisely controlled within specified parameters for the purpose of cultivating vegetable, fruit or citrus crops, without regard to whether the property is actually contained within that environment or whether any of the property is affixed to or incorporated into real property.
   * Excludes administrative office buildings or additional storage buildings in relation to a greenhouse facility. (Sec. 1)

**Current Law**

Agricultural personal property is property used for agricultural purposes that is valued at full cash value and is classified as class two property ([A.R.S. § 42-12002](http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/42/12002.htm)). Class two property has an assessment ratio of 15% ([A.R.S. § 42-15002](http://www.azleg.gov/search/oop/qfullhit.asp?CiWebHitsFile=/ars/42/15002.htm&CiRestriction=)).

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☐ Emergency (40 votes) ☐ Fiscal Note